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IN

THE LATE INSURRECTIONARY STATES.

NORTH CAROLINA.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1872.

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TESTIMONY.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

NORTH CAROLINA.

WASHINGTON, D. C., *June* 5, 1871.

Dr. PRIDE JONES sworn and examined.

By the CHAIRMAN:

Question. In what part of the State of North Carolina do you live?

Answer. In Orange County.

Question. How long have you resided there?

Answer. About forty-five years.

Question. I understand that you were commissioned by Governor Holden in March, 1870, for the purpose of assisting him in suppressing or putting an end to the operations of the Ku-Klux in that county.

Answer. Yes, sir.

Question. Please give us your knowledge, derived from that investigation at that time, of the existence of the organization there; and then go on and state to us whether it still continues to exist there, and what effect your action there, or congressional legislation, has had upon the existence of that organization.

Answer. There was an organization existing there at that time. In four weeks after Governor Holden gave me this commission they were all disbanded, and there has been no Ku-Klux operation there since that time that I am aware of.

Question. Will you state whether you were in personal communication with those who were believed to influence and control that organization?

Answer. Of course I had to try and ascertain who belonged to the organization, in order to operate upon them and induce them to disband.

Question. Did they confess to you the existence of the organization?

Answer. I cannot recollect that they made any positive confession, but I was satisfied of the fact that the organization did exist.

Question. By what means were their operations influenced at that time?

Answer. Governor Holden, in his first proposition to me, proposed that if the organization would disband, he would not hold them responsible, so far as he was concerned, for any past transactions, provided they would commit no further offenses. Though that was not expressed in his written instructions to me, it was his first proposition conveyed to me verbally through Mr. John W. Norwood, a citizen of our town. Acting upon that, I told them that it was clearly to their interest to disband and commit no further offenses; that I thought it was all wrong anyhow, and they did disband.

Question. To whom did you go?

Answer. To persons whom I suspected, from my knowledge of men in the county; I did not ask them in so many words, "Do you belong to this organization?" I went to these persons and said, "Here is Governor Holden's proposition." Some of them may have told me that they belonged to the Ku-Klux Klan; I think it very likely that some of them did; but I do not recollect now. But I approached those who from my knowledge of men I was induced to believe did belong to the organization. I did not ask them the question whether they belonged to it or not.

Question. Did they stipulate with you that there should be immunity for past offenses?

Answer. No, sir; there was no stipulation of that sort at all. I just told them that that was Governor Holden's proposition, through Mr. Norwood; that, so far as he, the Governor, was concerned, he would not interfere with them for past offenses, provided they committed no further offenses.

Question. You communicated that proposition to them?

Answer. Yes, sir, and made it generally understood through the county. I stated that proposition to men of influence, in every portion of the county, whom I approached.

Question. What had been the character of the offense which led to this effort to suppress them?

Answer. The offenses were hanging negroes.

Question. Any other offenses?

Answer. Yes, sir, some others; some whipping; some parties had been whipped.

Question. Had these outrages been committed by persons in disguise?

Answer. Yes, sir; it was not known who they were.

Question. What number of such offenses had there been in that county prior to your selection or appointment?

Answer. There had been four or five persons hanged; I am not certain which number; and there had been several whippings; I do not recollect the number; I do not know that I ever knew the number.

Question. I will read a paragraph from your communication to the Governor, dated March 4, 1870: "I would further suggest that your instructions upon the subject of oblivion and pardon of the past be explicit and clear, or my labors may be unavailing." Was that your belief, and is it still your belief, that without the offer of pardon to the persons who had been guilty of these offenses, you could not have succeeded in suppressing these outrages?

Answer. I believe I should have succeeded anyhow.

Question. Without that?

Answer. Yes, sir.

Question. I will read the next paragraph in your letter: "It may be proper to add that I am not a member of the 'Ku-Klux' or any other secret political organization whatever." Did the organization partake at that time, in your estimation, of a political character?

Answer. I did not know anything about it, whether it partook of a political character or not, at that time. I judged from their action that it did not. But I wanted the governor to understand that I did not belong to that or any secret political organization whatever.

By Mr. VAN TRUMP:

Question. Do you mean that it was not a political organization?

Answer. I did not think it was a political organization, but I wanted the governor to know that I did not belong to any secret political organization whatever.

Question. Or any other secret organization.

Answer. I belonged to the Masonic fraternity. I used the term "secret political organization" in contradistinction to the Masonic fraternity.

By the CHAIRMAN:

Question. I supposed from this expression in your letter that you then regarded it as a secret political organization.

Answer. I did not so regard it; others did; Governor Holden so regarded it.

Question. When you went to these persons and requested them to desist from these outrages, was there at any time any denial by them of their knowledge of these hangings and whippings?

Answer. I think not.

Question. Is it your impression, and was it then, that these hangings and whippings had been inflicted with the knowledge of that organization?

Answer. Yes, sir; I do not think there is any question of that.

Question. You say that they then ceased.

Answer. They did.

Question. Have you any reason to believe that the organization still exists, and could be called into action again if they desired, to produce the same results?

Answer. I do not think it now exists; I do not think there is any organization whatever of that character in my part of the State.

Question. What evidence have you of this disbandment; anything else than the cessation of these outrages?

Answer. No, sir; and the parties who I believed belonged to the organization told me that they would disband.

Question. Have you any objections to giving the committee the names of the persons who you say were members of it?

Answer. I should object to giving the names for this reason: I approached them as a confidential agent between them and Governor Holden. It was a confidential mission on my part, and I should not like to give their names without their consent. If they have no objections I would have none; but it would be a breach of confidence on my part to give their names without their consent, and I would not like to do so.

Question. Was that a part of the stipulation with them on your part, acting as the agent of Governor Holden, that their names should not be revealed?

Answer. It was not a part of the stipulation, but I think it was an implied thing.

Question. Have you their word that the organization is actually disbanded, or have you anything to satisfy you of the disbanding of the organization other than the cessation of these outrages?

Answer. My reason for that belief is this: Some persons, I could not name one if I were disposed to do so, told me that it was disbanded; that all the organizations were disbanded.

Question. Did you get to know the form of the organization?

Answer. No, sir.

Question. Or the purpose of it.

Answer. So far as I could learn the purpose was by intimidation to prevent the further commission of crime.

By Mr. VAN TRUMP:

Question. On the part of somebody else.

Answer. Commission of crime on the part of other parties. I think, so far as I was able to learn, that was clearly the object of the organization.

By the CHAIRMAN:

Question. Was its secret constitution or rules revealed to you?

Answer. No, sir; they were not revealed to me.

Question. What avowal of purpose was made to you by any one connected with the organization?

Answer. The purport of it was this: That barns were being burned, women were afraid to go about the country for fear of being ravished by negroes, and the law would not punish them; there was inefficiency somewhere; they could not get protection, and they got up this organization to protect themselves by punishing a few who were obviously guilty, and thereby preventing others from committing that sort of offenses.

Question. In avowing that, did they go on to say that they felt they themselves would not be punished for hanging and whipping others?

Answer. They took their chances of that.

Question. Did they say anything on that subject to you?

Answer. I do not recollect that they did.

Question. Were any of them ever convicted or punished for offenses of that character in your county?

Answer. No, sir; they were never identified or found out.

Question. What was there, either in the position or conduct of men in that community, which led you to believe that they were members of that organization, so as to indicate the men to whom you should go?

Answer. I can hardly specify anything; it was just from my general knowledge of men.

Question. Would not the same knowledge of men which enabled you to designate those persons as the proper persons to speak to on the subject, also have designated them as persons to be arrested and tried for the offenses?

Answer. I never thought of it in that light; I was no officer of the law, and never viewed the matter in that light.

Question. I am not speaking of it as a reflection upon you; but could not the same knowledge have been obtained by officers of the law so as to enable them to bring these persons to justice?

Answer. I suppose it could; they ought to have known the citizens of the community as well as I did.

By Mr. BLAIR:

Question. I did not understand you to say that you knew these men had committed these crimes; you simply suspected that they had.

Answer. I had no idea who committed the crimes.

By the CHAIRMAN:

Question. Who were the men who told you that the Ku-Klux were organized for the purpose of punishing men who had committed other crimes?

Answer. I cannot tell who.

Question. You cannot state who they were?

Answer. I do not recollect; I never expected to think of the matter again; I cannot recall the names.

Question. In judging whether it was a political organization or not, were you governed by the fact that most of the persons who were victims of these wrongs were of one political party; or how did you account for that?

Answer. I judged in this way; there were papers generally attached to the persons of those who were hung. In one case it would be, "You are hung for barn-burning;" in another case it would be, "You are hung for threatening to ravish" some one; or something to that effect. Those cards were attached to the bodies of the persons who were executed—or rather hung, not executed.

Question. Was there any difficulty, where a person was known to have committed such an offense as barn-burning or violation of chastity, to bring him to justice in the courts?

Answer. It was thought there was.

Question. Were any persons tried in your courts for such offenses?

Answer. I do not recollect of any trial of that kind in my county. There were some trials for theft; that was the highest grade of offense. In other counties negroes were tried and convicted and sent to the penitentiary, and perhaps the next day were turned out.

Question. By pardon?

Answer. Yes, sir; and it was the very general impression throughout the community with everybody that it was a very hard matter to have justice inflicted upon a negro.

By Mr. VAN TRUMP:

Question. Had there been frequent pardons of that character?

Answer. Yes, sir.

By the CHAIRMAN:

Question. By whom had those pardons been granted?

Answer. By the governor, I think.

Question. By Governor Holden?

Answer. Yes, sir.

Question. What year did he go into office?

Answer. I do not recollect; about two years ago, as well as I recollect; I am not certain.

Question. Had any of these outrages by this organization occurred before the commencement of his term, the hanging of negroes, or whipping of negroes?

Answer. I really do not recollect; I think it probable there had, but I do not recollect.

Question. Are these same persons who you believe controlled men in the Ku-Klux organization living in that county yet?

Answer. I presume they are.

Question. What were the party relations of those men as a general rule; were they republicans or democrats?

Answer. I think they were mostly democrats.

Question. What were the party relations of the men who had been hanged or whipped?

Answer. All of those who were hanged were negroes.

Question. Had they acted with the republican party?

Answer. I presume they had.

Question. Were there any instances of white men being the victims of such proceedings in your county?

Answer. I have no recollection of any. There were some instances of white women who had their heads shaved, and were otherwise maltreated; I have no recollection of any white men being maltreated.

Question. What, in point of time, is the last instance of these outrages in that county that you recollect?

Answer. There was a man hung; I never knew for what, I never heard any reason why he was hung; he was a negro man; I do not recollect his name.

Question. You yourself acted with the democratic party, and denounced these outrages.

Answer. I did not approve of them; I do not recollect to have denounced them.

Question. You did not approve of them?

Answer. No, sir.

Question. If there had been a general denunciation of those outrages on the part of the white people of that region, if they had not received tacit acquiescence, do you believe they would have gone to the extent they did?

Answer. I think it probable they would not.

Question. Was it that which led to their assuming somewhat of a party aspect, either in that or other portions of the State?

Answer. In my State, I suppose the fact that it assumed a party aspect was simply owing to this: The persons who were hung or otherwise punished were negroes, and it was done by white people.

By Mr. VAN TRUMP:

Question. And no negroes were democrats?

Answer. I believe there were about two in the whole county who were democracts.

By the CHAIRMAN:

Question. Were you requested to act in this capacity, in consequence of it being known that you did not approve either of the organization or of its acts, and that you were believed to have influence with the people of that county where you were well known, to induce them to stop? Was that the reason?

Answer. The reason of my appointment was this: Governor Holden said that he

would appoint any man that any respectable number of citizens would recommend to him, and they recommended me to him. What reasons they had for their recommendation, I do not know; they never told me.

Question. Has the passage of the law by Congress at its recent session, known as the Ku-Klux law, had any effect upon the sentiment of your county or region, in reference to this organization?

Answer. None that I am aware of.

Question. Were you in Hillsboro at the time the jail was broken open and some men were taken out of it?

Answer. I do not live exactly in town, a little out of town; I was at my home at the time.

Question. Was that done by this organization?

Answer. It was done by men in disguise; I suppose they were Ku-Klux.

Question. How many men were taken from the prison at that time?

Answer. I think two, as well as I recollect.

Question. Were they charged with the offense of barn-burning?

Answer. Yes, sir.

Question. Did you, in your communication with any of these parties, ascertain who were the persons who did that?

Answer. No, sir.

Question. You have no knowledge of who did it?

Answer. No, sir.

Question. Were the passwords, or any of the means of recognition among these men, communicated to you?

Answer. No, sir.

Question. They studiously kept from you all the interior forms of the organization in your communication with them?

Answer. I did not seek to obtain any information of that sort.

Question. They did nothing further than to justify the organization as a means of preventing crime; that was the extent to which their admissions went?

Answer. So far as I recollect, that was; there may have been some who said that they were members of the organization, but they were not many; I do not think I could name a single one.

Question. When you put yourself into communication with them, did any of them propose that you should become a member of the organization?

Answer. No, sir; no proposition of that sort was made to me.

Question. I understand you to be unwilling to give us the names of the persons with whom you did communicate as members of that organization, upon the ground that what occurred between you and them was confidential?

Answer. Yes, sir. And with your permission I would remark that one of the expressions which I recollect very distinctly having been repeated at various times by different persons—I cannot say at various times either; it was repeated several times by two or three different persons when I approached them and told them my object—the expression was that they were glad of it; that they were tired of the concern; it ought to be stopped. That is about as much admission of their being members as they gave to me.

Question. I understand you that before any communication with these parties upon the subject of the organization, you made a preliminary statement to them that you were authorized by the governor to say that there would be immunity for past offenses?

Answer. Yes, sir.

Question. Did you have any authority from the governor to operate with witnesses, or with persons by which you could obtain secret information, and make promises that they should not be prosecuted?

Answer. I stated that such a proposition was made to me in the first instance from the governor, through Mr. John R. Norwood.

[The CHAIRMAN then read to the committee the following correspondence, accompanying the third annual message of Governor Holden, of North Carolina, to the general assembly of North Carolina, November 18, 1870:]

"HILLSBOROUGH, N. C., *March* 4, 1870.

"SIR: On the 3d instant I had a long conversation with Mr. John W. Norwood in reference to an interview that he has recently had with your excellency. He urged me to accept of a commission from you, for the purpose of attempting to disband the secret organization in this county, known as the 'Ku-Klux,' and restoring the laws to their supremacy. This is a consummation heartily to be desired by all good citizens; and, though more averse than ever to any position in the service of the public, I feel constrained by a sense of duty to give my best exertions, however feeble they may be, in aiding the restoration of peace and order, and, should you deem me qualified for the position, I will accept it.

"I feel certain that in this county I can further your views, and believe that if my commission is extended to Alamance I can exercise a considerable influence there also. But if, as is rumored here to-day, your excellency has, in obedience to the dictates of your duty, ordered troops to that county, you must pardon me for saying that I look with apprehension to the result, and my candid opinion is that the 'Ku-Klux' cannot be put down by force, without a dreadful amount of bloodshed and crime, and that the wise course adopted by you in Chatham would be much more effectual here also. If troops have gone there, of course they cannot be recalled at once; but I consider it of vital importance, should you consider it expedient to extend my commission to that county, for you to give me some authority in the premises, and enable me to say that, upon such and such things being done, you will recall the troops.

"I would further suggest that your instructions upon the subject of oblivion and pardon of the past be explicit and clear, or my labors may be unavailing.

"It may be proper to add that I am not a member of the 'Ku-Klux,' or any other secrect political organization whatever.

"Very respectfully, your obedient servant,

"PRIDE JONES.

"His Excellency W. W. HOLDEN, *Raleigh*."

"HILLSBOROUGH, *March* 5, 1870.

"SIR: The undersigned citizens of Orange County respectfully recommend Dr. Pride Jones, of Hillsborough, as a suitable person to receive a captain's commission for Orange County. We believe his appointment would give entire satisfaction to our citizens, and would go far toward establishing on a firm basis good order throughout the county.

"Very respectfully

"J. W. NORWOOD.
"GEO. LEWIS.
"JAMES WEBB.
"HENRY K. NASH.
"HENRY N. BROWN.
"O. HOOKER.

"His Excellency W. W. HOLDEN,
Governor of North Carolina."

"STATE OF NORTH CAROLINA,
"*Executive Department, Raleigh, March* 7, 1870.

"SIR: Please find inclosed a captain's commission in the Forty-fifth regiment Orange Militia. You will observe by the papers that I have been constrained to declare the county of Alamance in a state of insurrection. I have done this with reluctance and regret. The civil law is silent and powerless in that county. Many of the people of the county feel that they are entirely insecure in their persons and property, and their only hope is in such protection as the military can afford them. Federal troops, commanded by discreet officers, will be employed. The innocent and the law-abiding will be in no danger; but it is indispensable to bring the guilty to punishment. I concur with you that the Klan of Ku-Klux is very formidable and war-like, but I fear it will grow with indulgence, and that if vigorous measures be postponed, it will ultimately occasion much strife and bloodshed. I am most anxious to preserve Orange, Chatham, and other counties surrounding Alamance from the infection of insurrection in the latter county. Captain Ramsey is doing a good work in Chatham. The civil officers of the county of Orange are the friends of law and order, and are performing their duty like patriots. I wish you, sir, to take command in Orange. I believe you can thus perform efficient and valuable service for your State.

"If you should accept this position, I should rely in a great degree upon your firmness, moderation, and discretion, and therefore, at present, give no special instructions as to the manner in which you will discharge your duty. Your pay, while on duty, will be that of a captain of the regular Army of the United States. I would be glad to hear from you at an early day.

"Very respectfully,

"W. W. HOLDEN, *Governor*.

"Captain PRIDE JONES."

"HILLSBOROUGH, NORTH CAROLINA, *March* 9, 1870.

"SIR: Your favor of the 7th instant reached me this morning, with accompanying documents.

"I accept the commission, and have already commenced the discharge of its duties. On yesterday I went eight miles in the country, believing that there was no time to be lost if my commission was to result beneficially, and was much gratified to find the parties appealed to earnestly responding to my wishes. From the facts stated to me

by Mr. Norwood, I represented that the past would be overlooked, provided there was a disbanding of the klans and no further infractions of the laws; and I sincerely hope that your excellency, in your special instructions, for which I respectfully ask at your earliest convenience, will sustain me in the position assumed; for with such instructions I feel perfectly assured that I can restore the laws to their just supremacy, and this I take it to be at this time the main object of my commission.

"I am, sir, very respectfully, your obedient servant,

"PRIDE JONES.

"His Excellency W. W. HOLDEN.

"N. B. — I omitted to suggest that if the 'Leaguers' were embraced in my instructions it would facilitate matters very materially.

"P. J."

"RALEIGH, *March* 17, 1870.

"SIR: Yours of the 9th was duly received, and would have been answered sooner but for the pressure of other business.

"I am gratified at your acceptance of the commission, and trust that your efforts will result beneficially to society.

"It will readily occur to you that as the executive I have no power to proclaim amnesty. The solicitor may enter a *nol. pros.*, or he may not, and the judge may then sentence, and then the power of commutation or pardon is with the executive. I am ready to do all that I can under the constitution and laws to compose troubles. It is not my purpose to persecute or take vengeance on any. What we want is submission to the laws, and peace in all the neighborhoods in the county. Public opinion can effect this more certainly and on a more permanent basis than the ministers of the law can, under present circumstances. It is an important part of the duty assigned you to embody and direct this public opinion. In doing this much must necessarily be left to your own discretion. You are thoroughly acquainted with the people of the county. You know their peculiar sentiments, their habits, and their modes of thought. Their prejudices, even, should be respected.

"But the object of all this is to restore peace and good order. Every citizen, no matter of what color, or how poor or humble, has a right to labor for a living without being molested; to express his political opinions without let or hinderance; and to be absolutely at peace in his own house. Every citizen has a right to attach himself to a secret political organization; and these organizations are harmless, so long as they respect the rights of persons and property. But, though lawful, they are not expedient. The time has passed when they were even expedient. They can effect no special good at present, but they may be the cloak or the occasion for mischief. Especially are they so when the members disguise themselves, and take arms and ride through neighborhoods breaking the peace and terrifying the inhabitants. You will, therefore, mildly, but firmly, discountenance and discourage all secret political organizations, and especially those that put on disguises and carry arms. It is a misdemeanor to go thus disguised, with intent to terrify, and it is felony thus to commit any act of violence.

"The authority with which you are invested is to be exercised in strict subordination to the civil power.

"I take it for granted the sheriff of Orange can execute any process that may be placed in his hands. But, if resisted, you are authorized to take men to his aid as a posse comitatus to insure the arrest of criminals. And if criminals enter Orange from Alamance, they should be arrested and held for trial.

"Your attention is directed to the acts published in the Standard, Sentinel, and Recorder, immediately after my proclamation of the 7th March. Also to the 'Act making the act of going masked, disguised, or painted, a felony,' laws of 1868–'69, chapter 267, page 613.

"I would be glad to hear from you frequently, as to the progress you are making in maintaining law and order in Orange.

"Very respectfully,

"W. W. HOLDEN, *Governor.*

"Captain PRIDE JONES."]

By the CHAIRMAN:

Question. Desiring only to ascertain whether the Ku-Klux Klan is still kept in an organized condition, and whether it can be called into action by its leaders when they consider the proper occasion arises, and disavowing any intent on the part of the committee to proceed against any of its members for past offenses, upon testimony obtained here, we desire you to give us the names of the persons through whom you believe you influenced the action of the klan, so that we may, if we think proper, call them and examine them as witnesses.

Answer. I can recollect the names of parties whom I approached, but the answers

that any of them made to me, or the exact language which they used, I cannot recollect.

Question. I am not asking you to state that, but only to give us their names.

[After some discussion and conversation, in which the witness took part, the witness replied as follows:]

Answer. For the reasons heretofore given by me, I would prefer not to give their names.

Question. You decline, then, to give their names?

Answer. I very respectfully decline to give their names.

[The CHAIRMAN submitted to the committee the question whether they would insist upon the witness giving the names called for.

After some discussion, Mr. BLAIR moved that the witness be excused from answering for the present.

Upon this motion Mr. STEVENSON called for the yeas and nays; which were taken, with the following result:

Yeas.—Mr. POOL, Mr. BLAIR, and Mr. VAN TRUMP—3.

Nays.—The CHAIRMAN, Mr. STEVENSON, and Mr. COBURN—3.

So the motion of Mr. BLAIR was not agreed to.

On motion of Mr. POOL, the further consideration of the question was postponed for the present.]

By Mr. BLAIR:

Question. You have stated in your answers to interrogatories that this Ku-Klux organization, according to your information, was formed for the purpose of punishing crimes committed by others. You have also said that several persons were hung and several beaten, in your county, for the alleged commission of arson, rape, &c. Had the crime of arson actually been committed at the time of the hanging of those persons?

Answer. Yes, sir.

Question. They were under arrest for the crime?

Answer. Two of the parties who were hung were under arrest for that crime.

Question. And in every instance of the kind this alleged crime has been committed?

Answer. In every instance.

Question. I mean in every instance where these punishments were inflicted.

Answer. I think there were five persons hung in the county; three were hung for burning barns; another was hung for having threatened to ravish a girl; I never heard why the other one was hung.

Question. What did the threat of ravishment consist in; did he attempt to ravish her?

Answer. He met a girl in the road; she was living with her mother, a widow woman; they were the only persons in the family. This negro met the girl in the road and made propositions to her to have intercourse with her. She promptly declined, and tried to get rid of him as soon as possible. Finally he said, "I intend to have it, if not by fair means by foul. I expect to leave here"—at such a time—"and before that time I intend to have this thing."

By the CHAIRMAN:

Question. Was the rape committed?

Answer. The rape was not committed.

By Mr. BLAIR:

Question. And the girl gave information of this?

Answer. Yes, sir.

Question. And the man was hung?

Answer. Yes, sir; and I presume hung by the Ku-Klux. I do not know whether they hung him, or some of her friends hung him.

Question. Was there great apprehension felt throughout that section of the State by the white women of the country?

Answer. There was.

Question. Apprehension of the commission of this crime?

Answer. Yes, sir.

Question. Were there any instances in which it was committed?

Answer. Not in my county; there were instances in another county that I heard of.

Question. There was very general apprehension felt?

Answer. Yes, sir; the poorer classes in the community, women who carry blackberries, cherries, eggs, butter, and things of that sort to town to sell, were afraid to go to town by themselves; they would only go when they could form large companies for mutual protection. Formerly, and even now, they could go singly just when they were ready. But just about that time they were afraid to go to town alone for fear of being insulted or ravished by negroes.

By Mr. VAN TRUMP:

Question. Was the conduct of the negroes of your county bold and aggressive in manner?

Answer. Yes, sir; it was.

By Mr. BLAIR:

Question. This very general apprehension irritated the people of the country, did it not?

Answer. Yes, sir, it had that effect; and I myself looked with very great apprehension to a serious collision between the races. I think things were getting worse and worse from day to day, and I was seriously apprehensive that they would have that result.

Question. Was the existence of this apprehension and of these crimes the cause, in your opinion, of the origin of those Ku-Klux societies, for the purpose of suppressing that kind of crime?

Answer. That is my opinion.

Question. Previous to these Ku-Klux organizations, or the first intimations you had that there were such organizations, had there not been secret organizations of the negroes?

Answer. Yes, sir.

Question. By what name were they known?

Answer. As Leagues.

Question. Loyal Leagues?

Answer. Yes, sir.

Question. Were they pretty universal throughout the State?

Answer. I believe they were through the entire State.

Question. Do you know by whom those organizations were founded?

Answer. I have understood that the governor was the head of the League; I do not know.

By Mr. VAN TRUMP:

Question. Do you mean Governor Holden?

Answer. Yes, sir; that is the report. I do not know whether it is true or not; that was the general belief.

By Mr. BLAIR:

Question. I believe these Loyal Leagues are understood to be organizations in the interest of the republican or radical party?

Answer. Yes, sir.

Question. And for political objects?

Answer. Yes, sir.

Question. Were there any instances within your knowledge of intimidation by these organizations to compel negroes to conform to any particular party, or to go with any particular party?

Answer. Well, yes, sir; there was but one democratic negro in Hillsboro, and it was generally reported that the Leaguers had threatened to kill him if he voted the democratic ticket. That is the report; I do not know that to be the fact of my own knowledge; that was the current belief.

Question. What influences were brought to bear by the republican leaders upon the negroes to band them together in the organization?

Answer. That is a question that I am hardly able to answer; it is just the fact that they were banded together.

Question. That was the fact?

Answer. Yes, sir; and they voted as a unit. Whoever the League nominated was voted for without a moment's hesitation by nearly every negro in my county.

Question. Then, in their political action, the negroes acted together?

Answer. Yes, sir.

Question. Under the lead of this organization?

Answer. Yes, sir.

Question. Now, up to that time, were not the relations of the negroes with the white people there very kind?

Answer. They were.

Question. Was their conduct and demeanor changed after this organization?

Answer. I think it was.

Question. If the negroes, at the present time, or at any time, are in real distress and in want, to whom do they generally apply for relief?

Answer. They are most apt to apply to their employers—to the old citizens.

Question. Who are mostly democrats, I suppose?

Answer. Yes, sir.

Question. But in their political conduct they antagonize them?

Answer. Yes, sir.

Question. From your knowledge of their character and from their former conduct, as well as their present conduct, are you not convinced that improper influences have been brought to bear upon them to alienate them from the white race in your State?

Answer. I think so.

Question. Do you know what those influences are?

Answer. No, sir; I cannot say that I know what those influences are; I can only see the effect and result of something.

Question. Do the radical politicians make addresses to the negroes?

Answer. Yes, sir.

Question. What is the character of those addresses?

Answer. I never heard one of them.

Question. Did you ever happen to read the legislative address that was issued?

Answer. I did not; I know to what you refer, but I did not read it.

By Mr. VAN TRUMP:

Question. You are not much of an active politician yourself?

Answer. Not at all.

Question. You are simply a democrat in sentiment?

Answer. I do my voting according to my own judgment; that is all.

Question. Is it not generally understood, in Orange County at least, if not in North Carolina generally, that these negro Union Leagues were organized generally by white men?

Answer. Yes, sir; that is the general impression.

Question. Generally by men from the North?

Answer. Most generally, I believe; though I am not able to express any definite opinion upon that point, I believe that is the fact; generally men from the North.

Question. And republicans?

Answer. Yes, sir.

By Mr. BLAIR:

Question. You know Governor Holden personally?

Answer. Yes, sir.

Question. Did you have any conversation with him in reference to these matters yourself?

Answer. What matters?

Question. I refer to this matter of conciliating these difficulties.

Answer. No, sir.

Question. All your communication with the governor, then, was by letter?

Answer. Yes, sir. I went to see him during the troubles in Alamance and Caswell Counties; some men from Orange had been arrested over in Alamance County, and I went to see him about them; but there was no general conversation on the subject that I now recollect.

By Mr. VAN TRUMP:

Question. What was the result of the governor's sending militia into Alamance County instead of permitting you to go on with your operations in that county?

Answer. I can only say that he sent the troops there and arrested certain persons, and created an intense excitement all through the State. I think that carried the State for the democratic party.

Question. I do not mean any political result; but what was the actual result?

Answer. I presume he put an end to the Ku-klux; I have heard of no further operations there.

Question. Was there any collision between the citizens and the military?

Answer. No, sir.

By Mr. BLAIR:

Question. What is the present condition of affairs in your county and in other portions of the State?

Answer. Perfectly quiet; and in my county the relations between the negroes and the old citizens are now better than they have been since the first year after the surrender; there is more kindly feeling exhibited between the blacks and whites than formerly; they are now getting along very well.

Question. There is now pending an election there?

Answer. Yes, sir.

Question. An exciting canvass?

Answer. I do not think it will produce much excitement.

By Mr. VAN TRUMP:

Question. There are not so many meetings just now as there have been of negroes to be addressed by republicans?

Answer. No, sir.

By the CHAIRMAN:

Question. Were any of these offenses, which you allege have been committed by negroes, and which were given as a justification for the organization of the Ku-Klux Klan, attributed to any organized action of the Union Leagues?

Answer. No, sir.

Question. They were individual acts of lawless negroes?

Answer. Yes, sir.

Question. Was there, then, any state of bad or exasperated feeling between the whites and negroes until after the organization of the Ku-Klux Klan?

Answer. I am not able to answer that question with certainty, because I do not know when the Klans were organized.

Question. Well, until after these whippings and hangings began?

Answer. Yes, sir; before these whippings and murders commenced there was a very unpleasant state of feeling in the community.

Question. Owing to the apprehension of lawless conduct on the part of the negroes?

Answer. Yes, sir.

Question. Had there been instances enough to give rise to a general apprehension on the subject?

Answer. There was a general disposition on the part of the negroes to take liberties and to do things that they never had done before; that was gradually increasing, and the number of crimes was gradually increasing. At what time the Ku-Klux organized I am not able to say; I cannot answer that question with anything like definiteness at all.

Question. You spoke of their taking liberties; what do you mean by that? Do you mean exercising the rights of citizens?

Answer. No, sir, I do not.

Question. Do you mean acts of lawlessness?

Answer. Acts of lawlessness, and insulting defenseless persons; their conduct was insulting to females particularly.

By Mr. VAN TRUMP:

Question. Is not that the nature of the negro when he is uneducated and becomes suddenly elevated by any means, by the acquisition of wealth, or anything else; is he not likely to be overbearing, so far as you can tell, from your knowledge of the negro in your State?

Answer. I should say from my knowledge of the negro that that is the case.

By the CHAIRMAN:

Question. Is there not a kindly feeling toward the negroes generally on the part of their former owners, and on the part of the land-owners of that State?

Answer. I think there is, as a general thing.

Question. Was not the only irritation felt toward them that which arose from the fact of their political elevation over many of those who were formerly their masters, their elevation to office, for instance?

Answer. I think it is possible that may have had some imperceptible influence upon the conduct of white men.

Question. I refer to the conduct of property-holders and the former owners of these negroes.

Answer. I think likely.

Question. I will now ask you in relation to another class of persons, who were not property-owners, and who did not exert much political influence in the State. Were they not exasperated with the negroes because of their elevation to political equality with them?

Answer. I think it likely, but I cannot say certainly.

Question. Had not that a great deal to do with the formation of this Ku-Klux Klan organization?

Answer. Really I do not know, but I should think not.

Question. That is a mere matter of opinion.

Answer. Yes, sir; I do not know.

Question. You do not profess to have a knowledge of the real motive of the organization, so as to be able to say what it was?

Answer. I do not.

By Mr. COBURN:

Question. Referring now to this organization, and to what I understand you to say of the object of the organization, and the persons with whom you communicated upon the subject, you say you did not speak with them much about it, and do not remember much about what was said. Did you inquire particularly into the object of the organization when you were on this mission?

Answer. I did not.

Question. How many persons do you suppose you conversed with, if any, about the object of the organization?

Answer. I cannot say with anything like certainty; I do not recollect.

Question. Did you communicate with any persons about the object of the organization?

Answer. Well, I do not recollect that I did. I have already stated, in answer to a similar question, that my inference concerning the object of the organization was drawn from the papers attached to the persons of negroes hung, and from my knowledge generally of the public sentiment in the country.

Question. What was the sphere of your operations as the agent of Governor Holden?

Answer. In Orange County.

Question. Only one county?

Answer. That is all.

Question. How long did you act?

Answer. From four to six weeks; I do not recollect exactly. I held the commission longer, but in from four to six weeks I wrote to the governor that I thought that everything was quiet in the county, and that there was no necessity for me longer to hold the commission.

Question. You held a commission as an officer of the State militia?

Answer. Yes, sir.

Question. Did you hold any commission in either army during the rebellion?

Answer. Before the war I held a commission as an officer in a militia company, and when hostilities began that company was ordered to Fort Macon, and I went there with it and remained there perhaps six months.

Question. Was that in the confederate army?

Answer. It was in the army of North Carolina; I suppose it might be called the confederate army.

Question. Did you hold any other office during the rebellion?

Answer. Yes, sir; during the last part of the war I was appointed marshal of the district court for the district of North Carolina.

By Mr. STEVENSON:

Question. With what classes of persons did you communicate on this subject while employed by Governor Holden?

Answer. Citizens residing in the county.

Question. With white men, of course.

Answer. Yes, sir.

Question. Were they men of character and position?

Answer. Yes, sir; all of them of respectable position.

Question. You seem to rely upon what they told you when they said that the organization would be disbanded; you believe, therefore, that it was disbanded?

Answer. Yes, sir.

Question. Have you talked with any of them since about it?

Answer. I have had no conversation with them lately; I was satisfied of the fact that the organization was disbanded, and I so wrote Governor Holden.

Question. They were men of such character that you were satisfied to take their word?

Answer. Yes, sir.

Question. You knew them well?

Answer. Yes, sir.

Question. What were their politics?

Answer. I suppose they all belonged to the democratic party, or the conservative party.

Question. Has there been any marked change in the politics of Orange County within the last two or three years?

Answer. No, sir; I think not.

Question. What is the relative white and colored population in that county?

Answer. The white population of Orange County largely preponderates; it is much larger than that of the black.

Question. Do you recollect who carried it in the election of 1870?

Answer. The democrats carried it.

Question. Who was the candidate for Congress in 1870?

Answer. Mr. Rogers and Mr. Gilmore ran as democratic candidates, the one to supply the vacancy caused by the resignation of Mr. Deweese, and the other to fill the long term.

Question. I see here by Mr. Greeley's almanac that Mr. Rogers obtained 1,897, and Mr. Deweese 1,446 votes in Orange County in 1868; that in 1870 Mr. Rogers obtained 1,740 votes, and Mr. Harris 970 votes. There was, then, a falling off of 496 votes from the republicans?

Answer. Yes, sir; and there was some falling off from the other side.

Question. You have already said that you were not an active politician, and therefore such a change as that might escape your attention?

Answer. Yes, sir.

WASHINGTON, D. C., *June* 7, 1871.

JOSEPH G. HESTER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Raleigh, North Carolina.

Question. How long have you lived there?

Answer. I have been living there four years.

Question. Are you a native of North Carolina?

Answer. Yes, sir; I was born in the adjoining county of Granville.

Question. State whether you have been acting there in the capacity of deputy marshal of the United States.

Answer. I have.

Question. State whether there have been, within your knowledge, whippings by men in disguise, within the last four or five months, beginning, say, in January, and coming down to the present time, and state what those cases were.

Answer. In the month of January I went to a place called Big Poplar, at the corner of Harnett, Moore, and Chatham Counties, with a warrant to arrest some parties charged with going in disguise upon the public highways, and upon the premises of William Judd, Stokes Judd, and Anderson Dickens, and of burning a church on the land of Anderson Dickens. I went to the place and arrested five of the parties charged in the warrant, summoned the witnesses, and carried the prisoners to Raleigh before commissioner Shaffer. They were bound over in the sum of $1,000 for their appearance at the June term, which is now in session at Raleigh. The prisoners, after giving bond, went home, and also the witnesses. Two or three days afterward William Judd, who had been previously whipped, and was the complainant against the parties in the first case, came to the city of Raleigh again, and made a second complaint, that upon his return the Ku-Klux had attacked him the second time. He ran into the woods with his family. They all made their escape at that time, except a woman named Bella Douglass, who was not very well at the time, and could not make her escape. They caught her in the house, took her from the house, as the evidence appeared afterward before the commissioner, cut limbs from a cherry tree in front of the house, and whipped her severely. She only recognized one of the parties.

By Mr. POOL:

Question. Was she a white woman?

Answer. She was a colored woman. The warrant was issued for the one whom she recognized. His name was John Yerby Thomas. The warrant was handed to me for his arrest. I went after him; found him at his residence; arrested him; brought him to Raleigh, and summoned Bella Douglass and Judd as witnesses. They came down, and the case was heard. Thomas brought a woman with him, whose name I have forgotten, to swear that he could not have been at the place where the whipping took place that night, as he was at her house suffering with severe cramps of the stomach, and she was rubbing him with camphor during the whole night. While up there to arrest Thomas, a Mr. Henderson Judd, a white man of considerable knowledge and information, who loaned me a horse when I was up on the first occasion to go around and endeavor to arrest the parties, informed me that on their return there they took him away from his residence, took the guns and pistols that he had for his own defense, shot his dogs, carried him five miles from his home, and there dismounted him, and he was compelled to walk home in the night, over a very rough, rocky road. He is an old and decrepit man, some sixty-five or seventy years of age.

By the CHAIRMAN:

Question. What connection had he with the original case of which you spoke?

Answer. He had no connection with it. These colored people who had been whipped were former slaves of his, as he stated.

By Mr. VAN TRUMP:

Question. This other Judd of whom you spoke was a negro.

Answer. A negro, a former slave of his, and was living on land which had been given him by his former master.

By the CHAIRMAN:

Question. State the whole history of that transaction as it was disclosed in the testimony, the original case in which the Judds were parties.

Answer. The Judds were freedmen who formerly belonged to a gentleman named Henderson Judd. Their names was Judd. They assumed the name of their former master, as most of them do down there.

Question. What had he done for them?

Answer. When they were liberated he divided off some land for his former slaves, and told them that they had been good servants, and he desired to make some provision for them; he gave them assistance—oxen and means of cultivating the ground. They had been laboring there; they raised cotton and corn, and had accumulated some means, and some of them had bought buggies and horses, with which they could go to church on Sundays. They had built them a church on the land of Anderson Dickens, who gave them an acre of land for that purpose.

Question. Who had built the church?

Answer. The colored people, and also those white people who inclined to favor them in having a house of worship. After the church was built and they had employed a minister to preach for them, after they had held service there for some time, was the occasion when these disguised men took Judd and his family, and Stokes Judd and Anderson Dickens, and abused them.

Question. Was Dickens a negro or a white man?

Answer. He was a white man. He was the man who gave them the ground to build them the church on, near where the Judds live—in the same neighborhood. Soon after that these disguised men, as appeared by the evidence of Mrs. Dickens and her husband, went to the house of Anderson Dickens, and with fence-rails broke down the doors of the house and went in, compelled Dickens and his wife to get up from the bed in their night-clothes, and with threats of violence compelled them to take fire from their own place and carry it to the church. There they compelled Dickens to take benches that were in the church and pile them in the middle of the floor, and compelled his wife to gather brush and sticks from the woods around and kindle the fire. The fire was kindled, and the church was soon in flames. They were ordered to go home and never mention to any living being what had happened. This was the testimony given by Mrs. Dickens before the commissioner, as near as I can remember.

Question. And it was the case in which the Judds were witnesses out of which the second case of which you spoke grew?

Answer. Yes, sir.

Question. The first case is the one to which you refer as now pending in the court at Raleigh?

Answer. Yes, sir; it has not yet been tried.

Question. State anything further that happened in connection with the burning of the church.

Answer. After burning the church they went to William Judd's and whipped one of his sons.

By Mr. POOL:

Question. Did you mean to say that the case was pending in the United States circuit court?

Answer. In the United States district court; Judge Brooks's court. They went to William Judd's and whipped one of his sons; then they went to Stokes Judd's and whipped him. These were both colored men. That is about all of that case.

By the CHAIRMAN:

Question. What did they state to these persons as their purpose? Was that disclosed in the testimony?

Answer. They said they were going to drive the negroes out of the country; that they were not going to allow them to be there; that they could not be holding "jayhawking meetings," as they called them; I do not know what they mean by that. They mean, I suppose, Union League meetings, or something of that kind. The expression was that they could not be holding "jayhawking meetings" there; that they would not permit them to have the church. They burned the church down.

Question. Did they give a reason for burning it down?

Answer. I do not think anything was expressed about the church.

Question. Does this complete the statement of those two cases—that of the Judds and the case of Mrs. Douglass arising out of it?

Answer. It does, except this: when I went to arrest Thomas, I went to the house of Henderson Judd, and his nephew, Rorer Warnock, went to show me the road to arrest the first five. They took him also on the second occasion when they took the old man Judd, and carried him five miles from home; cut his clothes off of him with a knife, as he stated to me; he showed me his pantaloons where they had been cut off in pieces; and he had to come home, a distance of five miles, without clothing.

Question. Was this occurrence in January?

Answer. Yes, sir, I think it was in January.

Question. Did the whipping of the Judds occur in January?

Answer. Yes, sir.

Question. How soon after that was this woman, Bella Douglass, whipped?
Answer. Only a few days; soon after the arrest.
Question. In what county did this Judd case occur?
Answer. The Judds live in Moore County; some of them live in Harnett, and some in Moore County, right in the corner of the two counties.

By Mr. POOL:

Question. How far from Chatham County?
Answer. Only a mile or two; the three counties come very near together there.
Question. What case came next under your observation?
Answer. The case of Essic Harris, a colored man, who lived in Chatham County, who was employed by a gentleman named Finch; his character, as given to me by Finch, was good. He had been living with him ever since the close of the war, and was an honest, industrious laborer. He had a gun in his possession, which he used for hunting purposes sometimes; he had remarked that he was not afraid of the Ku-Klux. The Ku-Klux had been in the habit of going down and taking the guns away from all colored people in that county; he said he was not afraid of them; that he had his gun and did not think he would be disturbed. Soon after that a band of some twelve or thirteen, as the evidence appeared on the trial, went to the place where Harris lived; just before getting to his house they passed a place where a colored man by the name of Sampson Perkins lived; they took Sampson Perkins out from his house and told him he must go with them to Essic Harris's; that they were going down there to take his gun from him; that they were going to commence another war, and they wanted all the guns in that neighborhood; that Essic had a gun; that they would have to break down the door probably, and they wanted him (Perkins) to break down the door, so that if any one was killed by Harris it would be him, and there would be one more radical out of the way. He went with them. When they got to the house they told him to go to the wood-pile and get an ax and break the door down. Just at that time Mr. Finch, the owner of the place, heard them, and came down and begged them to go away. They threw a rock at him and told him to go back into his house and mind his own business. While their attention was attracted by Finch, Perkins ran away from them. A man by the name of Clark then took the ax in his hand; at least the captain of the company, as the evidence appeared, commanded Clark to take the ax and break down the door, saying that he was a young recruit and had to do the dirtiest work. Clark took the ax and began to hammer against the door with it, and finally succeeded in breaking the door open. The door fell in. Harris discharged his gun, fired a load of shot into Clark's breast. Clark fell and exclaimed that he was shot; the rest of the company picked him up and carried him off. Harris went out and called Mr. Finch from his house and told him what had happened, saying that if any one was found shot, he was the man who had done it; he carried his shot-gourd and poured some of the shot out in his hand and said, "These are the kind that were in the gun; among these," he said, "were some other shot, big shot; and if a man is found with holes in him, there will be some larger holes than the others."

By Mr. POOL:

Question. He said that to Mr. Finch?
Answer. Yes, sir.
Question. Is Mr. Finch a white man?
Answer. Yes, sir; he is a white man, and belongs to the conservative party, as he stated to me.
Question. The democratic party?
Answer. Yes, sir; some of them call it the conservative party, and some of them call it the democratic party.

By the CHAIRMAN:

Question. Please proceed with your statement.
Answer. On the application of Harris a warrant was issued by United States Commissioner Shaffer, at Raleigh. It was handed to me to execute. There were seven persons named in that warrant; Clark was one of them. I went to the neighborhood of Harris and succeeded in arresting six of the persons. The first day I could not find Clark, the man who had been shot. On inquiring if any doctor had been along the road where I expected Clark lived, we found that a doctor had been sent for in a great hurry the very morning after this occurrence, and by that means I found where Clark was located. I found him away off in the interior, in a very secluded place, a little log house kept by a widow whose name I have forgotten. I went there and found Clark on a pallet on the floor before the fire. I told him I had a warrant for him. There was no other person in the house except a little child. They seemed to have heard that I was after them and to have left. Clark at first stated that he was unable to travel and could not go with me; that it would kill him to have to ride in a wagon. I told him I should have to take him, dead or alive. He said, "Are you in earnest? Are you

going to take me sure enough?" I told him, "Yes." "Well, then," said he, "I may as well get up and go." He got up, went to his trunk, took out a little flask of brandy, put it in his pocket, put on his coat, and got in the wagon. I did not hear him complain at all during the whole ride from there to Raleigh.

Question. Was he wounded?

Answer. He was wounded; the shot had been picked out; there was a little sore on his breast, but nothing that prevented him from traveling. This was three or four days after he had been wounded.

Question. Did you examine the wound?

Answer. Yes, sir; I opened his shirt-bosom and looked at it. I found that it covered about four or five inches of his left breast. The wound seemed to have been made by very small shot, with the exception of three or four holes which were evidently made by larger shot. I carried him before Commissioner Shaffer. The parties were all bound over in the sum of $3,000, except two, who proved an *alibi*—proved that they were somewhere else. Clark also proved an *alibi*, but the commissioner did not think it was sufficient, and bound him over.

Question. When are they to be tried?

Answer. At the present term now in session at Raleigh.

By Mr. POOL:

Question. The circuit court?

Answer. No, sir; the district court.

By the CHAIRMAN:

Question. Do you know of any more recent case than that of Harris?

Answer. Yes, sir.

Question. The Harris case was in March?

Answer. I think earlier; in the first part of February.

Question. What other and more recent case do you know of?

Answer. The case in Rutherford and Cleveland Counties, a couple of weeks ago. The parties were charged with going upon the public highways in disguise, and upon the premises of Aaron V. Biggerstaff, whipping him and abusing his family. A warrant was issued by United States Commissioner Shaffer, and placed in my hands for execution. In this case there were thirty names in the warrant. I asked General Morgan to let me have a small detachment of troops. He gave me a sergeant and nine men. I arrested the parties, all but two, in Rutherford and Cleveland Counties, where they resided, and carried them to Shelby, the county-seat of Cleveland County, before United States Commissioner J. L. Moore. I told him the witnesses had been summoned and would be in town early the next morning. I got there in the afternoon. Next morning the witnesses did not come, and we had no evidence against the prisoners. Later in the day we ascertained from different persons who had come in from that section of the country that the witnesses had been attacked while camped out some ten miles from Shelby.

Question. Who were those that had been attacked?

Answer. Biggerstaff, his wife, and daughter, who had been summoned as witnesses and were on their way to Shelby.

Question. Attacked by whom?

Answer. Attacked by a band of disguised men. Biggerstaff was taken out and whipped severely, beaten, and threatened that he would be killed if he ever informed on any one of the party. He was ordered to return back home and not come to Shelby.

Question. Did you get them to Shelby?

Answer. No, sir; the prisoners were remanded for a future hearing to take place on the 25th of July.

Question. Was there any resistance to the execution of your process in any of these cases?

Answer. No, sir; wherever I found the parties they came along without any resistance. I had a detachment of soldiers with me.

Question. Had you soldiers with you in any other than the last case?

Answer. No, sir; only in the case last mentioned.

Question. Are the portions of North Carolina in which these occurrences have recently taken place the same as those in which similar occurrences took place before? Had there been other occurrences of the kind in the counties you have named—Moore, Harnett, and Cleveland?

Answer. When I was up there to arrest the parties I have named, there were numbers of persons, both colored and white, who came to me from different sections of the country around there. They had heard I was in the neighborhood. Some showed me bruises where they had been whipped; others told me they had been driven from schools where they had been teaching colored persons, and were not permitted to teach the schools any longer.

Question. What name is given to the organization of disguised persons in that part of the State?

Answer. I have been in the habit of calling them Ku-Klux; some of them say the name is White Brotherhood, and others, Invisible Empire. I have heard different names for them. They themselves say, as the evidence appeared in the trials, that they are not human beings; that they come from the bone-yards at Richmond; that they have been seven years in the bone-yards at Richmond, and have come for vengeance.

Question. From what you have observed of recent proceedings, is that organization still in existence and operation there?

Answer. I think, sir, it is on the increase. From observations and information received from different sources I think they are reorganizing all the time. I think they have changed their *modus operandi* since some of the developments have been made. In fact, I have some evidence of that which I would not like to express here for reasons that it would be best to withhold at present.

Question. In the part of the State of which you speak, are persons at liberty to express their political sentiments with freedom and immunity from danger?

Answer. Those with whom I have conversed say they are not; they would be in great danger if they should get up and make a political speech, and express sentiments as republicans.

Question. Were any of these persons that you took to Raleigh as prisoners well known?

Answer. In the first crowd I carried down there were five; I asked them if they had any acquaintances at Raleigh; there was only one of them who seemed to know any one there, and he know only one person there, as he stated to me. They were not in the habit of trading with Raleigh; their trade was in Fayetteville. They lived about forty miles from Raleigh.

Question. When the prisoners got to Raleigh, who went security for their appearance?

Answer. There seemed to be any number of persons there ready to go on their bond. I believe the sureties for the first crowd were Mr. Simon Hayes, George Stronach, and Mr. Troy, a member of the State senate, who lived in Cumberland County.

Question. Did they go bail for these persons who said they knew nobody in Raleigh?

Answer. Yes, sir; there was only one who seemed to be acquainted with any person at all there.

Question. Was the person with whom he was acquainted one of the sureties?

Answer. I do not really know whether he was or not. He did not tell me who the person was; but Mr. Hayes and Mr. Stronach came up and went their security. These men had expressed themselves that they knew no one there at all. There were numbers of others there who were ready, but the bond soon became sufficient, and the commissioner was satisfied.

Question. Did the men who were arrested state to you what their politics were?

Answer. Yes, sir; they said they belonged to the conservative democratic party.

Question. What were the politics of the gentlemen who became their sureties?

Answer. They were of the same party.

Question. What were the politics of these persons who were whipped?

Answer. They were republicans. They said they voted for General Grant in the last campaign, and one of them mentioned that when he was being whipped he was told he was whipped because he voted for Grant.

Question. When in the neighborhood where the offenses were committed, did you hear any other reason assigned for the punishment of these men; any charge made against them morally or personally?

Answer. No, sir; I heard nothing except that Stokes Judd said that one of the men who helped to whip him owed him some money; he had asked for it two or three times, and he would not pay it. They mentioned that to him in the course of whipping him, and also his voting for Grant.

Question. Are you a native of that part of the State in which these occurrences took place?

Answer. My county is about fifty miles from where that occurrence took place.

Question. What county were you born in?

Answer. Granville.

Question. Fifty miles from where these occurrences took place?

Answer. Yes, sir.

Question. Has the passage by Congress of the recent law known as the "Ku-Klux law" had any effect upon the operations of these persons in disguise in that State?

Answer. Well, I do not think it has had much, only to encourage it. If anything, they are doing worse in some sections—in sections where they have not been operating much before. Since the passage of the bill I have heard of more occurrences in the western part of the State, where I had not heard of any before.

Question. What portion of the State do you refer to?

Answer. Cleveland, Rutherford, and Gaston Counties.

Question. Did your official duties take you into those counties?

Answer. Yes, sir; I passed through all three of those counties.

Question. What did you find to be the state of things there? Was there a feeling of alarm in consequence of these occurrences?

Answer. Yes, sir; they seemed to be very much alarmed and uneasy, even people who lived at the county-seat in Rutherford County. One of them, a member of the present legislature of North Carolina, Mr. Justice, said that he and Mr. Carpenter, editor of a republican paper there, had been compelled, as they regarded it, for safety's sake, to keep watch at night for weeks.

Question. To what extent does that feeling prevail in the State, so far as you have had opportunities of observing?

Answer. Well, sir, my observation leads me to believe that it extends over the counties of Harnett, Moore, Chatham, Randolph, Gaston, Cleveland, Rutherford, and McDowell. I have heard of occurrences in other counties; but I have not been in other counties on any official duty in this particular.

By Mr. POOL:

Question. How far are Rutherford and Cleveland Counties from Harnett?

Answer. Well, sir, at least eighty or ninety miles.

Question. Do Rutherford and Cleveland adjoin?

Answer. Yes, sir.

Question. Do they adjoin the counties of Spartanburg and York, in South Carolina?

Answer. I think they adjoin the South Carolina line.

Question. Why did the commissioner put off the case you have spoken of till the 25th of July?

Answer. I did not hear him express himself. I do not know what his reasons were for doing it. There was a court soon to be held at Raleigh.

By Mr. BLAIR:

Question. Whom did you arrest for the attack on Biggerstaff?

Answer. I cannot remember all the names.

Question. Were any of them members of his own family?

Answer. There was one of them of the same name—Biggerstaff. He said he was a half-brother—a son of the same father.

Question. Did not that affair between Biggerstaff and his neighbors arise out of the hostility of his own family to a marriage of the old man Biggerstaff to an infamous woman?

Answer. The old man that was whipped?

Question. Yes, sir.

Answer. I did not hear anything of the kind. I saw his wife and daughter.

Question. Was not that alleged?

Answer. I did not hear anything of the kind. I did not hear any mention made of it.

Question. Was Biggerstaff a radical? Did he tell you he was a republican?

Answer. Yes, sir.

Question. Were the parties implicated in chastising him republicans also?

Answer. All those I heard express themselves were not.

Question. Did you hear the other Biggerstaff express himself?

Answer. I did not.

Question. You saw Biggerstaff when you first made the arrest?

Answer. Yes, sir; when I summoned him to come with the prisoners.

Question. When you first made the arrest you summoned him as a witness?

Answer. Yes, sir.

Question. Did he then have any marks of injuries upon him?

Answer. I did not examine his body, but he seemed to be suffering a good deal, and Mr. Justice, a member of the legislature, and the physician also who had attended him, said he had been on his bed for a week or two after the first whipping.

Question. Did you see him after the second one?

Answer. No, sir; I have not seen him since then. I saw his affidavit published in the paper; it was signed by him and his daughter. After their return their affidavit was taken before the justice of the peace there and published, to show why they did not appear before the commissioner.

Question. This case, you say, was heard before the commissioner?

Answer. A United States commissioner.

Question. Not the judge of the district?

Answer. No, sir; the court was not in session at that time.

Question. The parties in Rutherfordton, you say, told you they were very much alarmed?

Answer. Yes, sir; in Rutherfordton, and out in the neighborhood. The coroner of the county (I have forgotten his name) went with me to show me the roads some. He seemed to be very uneasy, and told me he would have to pay for that after I was gone.

Question. Did he consider that your presence there was a protection to him?
Answer. Well, I had a squad of United States soldiers with me.

By Mr. VAN TRUMP:

Question. What are your political relations?
Answer. I belong to the republican party. I claim to be a republican.
Question. When did you become a republican?
Answer. I have been a republican about a year.
Question. How long have you held the office of marshal in the State?
Answer. I am only a deputy marshal. I have forgotten the date of the appointment. I have it here, and can say exactly, [referring to paper.] It is February 13.
Question. Were you in the confederate army?
Answer. No, sir.

By Mr. STEVENSON:

Question. What is your age?
Answer. Thirty-one next August.
Question. Did you hear the victims of these whippings describe how they were done?
Answer. Yes, sir.
Question. How?
Answer. They were done with sprouts of trees—limbs of trees.
Question. What was the process?
Answer. It was just to raise up the hand and bring it down.
Question. Did anybody give orders?
Answer. There did not seem to be much system, from the way the evidence was given about it; just first one and then the other would give a few licks.
Question. You did not hear any one say whether there was anybody who managed, or who seemed to be in command of the squads?
Answer. Yes, sir; there was one who seemed to stand off and dictate somewhat, and tell them to lay it on; or, if he saw they were becoming exhausted, he would tell them to stop and rest awhile.
Question. Do you recollect whether anybody ordered who should do the whipping, and which of the squads should take the lash or switch?
Answer. No, sir, I did not hear any evidence of that kind.

By Mr. COBURN:

Question. How many of these persons were whipped in the case of Biggerstaff?
Answer. Aaron Biggerstaff was the only one whipped in the first instance. They abused his family; did not take them and whip them regularly, but shoved them aside and abused them with language.
Question. How as to the other time?
Answer. They whipped Biggerstaff and a man who was with him; I do not know his name. Just at the time they had finished whipping them the mules broke loose, and were running away through the woods. They had just started to take out the women and whip them. I got this as information from different parties. There were two women. As soon as the mules got to running around and making a noise, the men cleared out, and the women were not whipped.

By Mr. POOL:

Question. They whipped only two of the witnesses?
Answer. They whipped Biggerstaff (the husband of Mrs. Biggerstaff and father of the daughter) and the man who was going with them to assist them in getting there.
Question. Did the witnesses turn back and go home?
Answer. Yes, sir, they went back; they never came to Shelby.
Question. Did the commissioner issue any attachment against those witnesses again?
Answer. Yes, sir; he issued a capias. After I had turned the case over and fulfilled my duties, he issued a capias, and deputized some man from there to go after these witnesses and bring them.
Question. What is the commissioner's name?
Answer. J. L. Moore.
Question. Does he live in Shelby?
Answer. Yes, sir.

WASHINGTON, D. C., *June* 12, 1871.

J. B. CARPENTER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In Rutherfordton, Rutherford County, North Carolina.

Question. How long have you lived there?

Answer. Thirty-three years the day after to-morrow.

Question. You are a native of the county?

Answer. I was born and raised there, and I will be thirty-three years old on the 14th of this month.

Question. What is your present occupation?

Answer. I am clerk of the superior court of the county, and also an editor of a newspaper there.

Question. Please go on and state whether there have been any disorders or outrages in the county, within the last few months, by what is popularly known as the Ku-Klux; if so, state the extent to which they have been carried on.

Answer. Well, sir, a number of outrages have been reported to me within the last few months by parties there. Different persons have been whipped in different portions of the county, mostly confined to the southern portion of our county, which adjoins the South Carolina line and also the county of Cleveland in North Carolina.

Question. Were those persons who reported these outrages to you themselves the victims of those outrages?

Answer. Yes, sir.

Question. What have been the most recent cases?

Answer. The most noted case recently is that of Aaron Biggerstaff, who was whipped.

Question. Do you know anything about that transaction?

Answer. Only his statement to me; I see him every day; he is now in Rutherfordton, having had to leave his home; he had his crop planted, and had to leave it and go to Rutherfordton in order to obtain protection; he cannot stay at his home; he made that statement to me in regard to the matter.

Question. How recent was that case?

Answer. I have not the exact date with me; it was within the last month.

Question. Did he come to you, in your official capacity as clerk, to make complaint?

Answer. No, sir, he did not come to me in that capacity; when he was whipped the second time, about a month since, he was on his way to give evidence before the United States commissioner; he had been summoned to go before the commissioner to give evidence, and while on his way he was attacked in Cleveland County, about ten miles from Shelby, and very badly beaten.

Question. Did you see him immediately after that occurred?

Answer. He was whipped on a Friday night, and I saw him the Saturday night after; he got to Rutherfordton Saturday evening.

Question. What account did he give of it?

Answer. He stated that they had gone into camp about 10 or 11 o'clock at night; he was then suffering from a beating he had had some time before that, and was not able to get out of the wagon; he was still in the wagon in camp; he had been there an hour, or such matter, when a party of men rode up to the wagon where they were camped, jerked him out of the wagon, and injured him so that he thought his arm was broken; they then took him, with other parties along with him—his wife, daughter, son-in-law, and a nephew of his—and stated that they intended to kill them; that they had been swearing against them on different occasions—telling about this man being whipped on a former occasion; that he had sworn against them the last time he ever would, and that they intended to kill him and the whole party.

Question. Were these other members of his family going before the commissioner as witnesses?

Answer. No, sir; not all of them; his nephew was going up to drive the wagon in which they were going; his wife and daughter were witnesses; his son-in-law was on his way to Raleigh for a son who was going to the deaf-and-dumb school there.

Question. What did they do with Mr. Biggerstaff?

Answer. They did not whip him at that time; they jerked him out of the wagon and put a rope about his neck, and said they were going to shoot them all; they formed a ring around them, and about the time they were going to shoot them the horses made some noise, and these disguised men looked around to see what was the matter with the wagon; just at that time the nephew of Mr. Biggerstaff got away from them, and succeeded in getting off, though they fired at him several times; they then said, "We are in a hell of a fix now; he has got away and he will tell, for he knows us;" they then turned them loose and left.

Question. Did he recognize any of the men, and tell who they were?

Answer. Yes, sir.

Question. What were their names?

Answer. Jonas Radford, James Hunt, Jason Witherow, John Witherow, and Thomas Toms. These parties have been arrested upon a warrant from the commissioner of our county, the United States commissioner, and bound over to attend the Federal court at Marion, which meets on the third Monday in August. There were other parties along, whom Biggerstaff and those who were with him could not recognize; they were satisfied who they were, but were not willing to swear to them.

Question. Were those persons the same who had been charged with the original whipping, about which he was going to testify?

Answer. Some of them were the same who had been identified by Biggerstaff before two or three of them; I do not remember the exact number.

Question. You say that is the most recent occurrence?

Answer. That is the most recent occurrence of any note and of an outrage committed upon a man of any character.

Question. Do you know Biggerstaff personally?

Answer. Yes, sir.

Question. What is his character and standing in society?

Answer. He is a man of as good character for truth and honesty as there is in our community; he is a poor man; owns a little farm and some stock, but has everything about him at home necessary to make himself comfortable; with protection would be as comfortable as almost any man in our county.

Question. What is his age?

Answer. I suppose he is something over sixty; I do not know his exact age.

Question. You say he has a family?

Answer. Yes, sir.

Question. What offense had he committed which was given as a reason for whipping him in the first instance?

Answer. I can give you my opinion of the reason; but there is no offense charged against him publicly.

Question. Well, what is it?

Answer. He is a reliable Union man, and was during the war; he aided Union men to pass through the lines. At the surrender he received protection-papers from General Palmer; I have a copy of his protection-papers with me. For that there is a peculiar hatred toward him by the men in the country who helped to bring on the war in the first instance.

Question. He is a white man?

Answer. Yes, sir.

By Mr. POLAND:

Question. Were those men you have named as having made the attack upon him—were those men rebels?

Answer. Yes, sir; they were all original secessionists.

Question. Were any of them in the rebel army?

Answer. I believe all were in the rebel army—every one of them—except, perhaps, Hunt.

By the CHAIRMAN:

Question. Do you know of any offense which Mr. Biggerstaff had been charged with in that community by public rumor or in any other manner? Do you know of any other reason for whipping him than you have given?

Answer. There was a case in which Biggerstaff was tried for a forcible trespass on some parties who were engaged, as a general thing, in these whippings in that section of country. I can state how that came up.

Question. If it is assigned as a reason for this proceeding, we want to know all the circumstances about it.

Answer. I do not know that they assigned any cause, only that he was a republican; that was the only real cause, in the first instance, for whipping him.

Question. Did they assign that as the reason?

Answer. Yes, sir; that is assigned in every case of whipping there, I think, without exception; that is, every case of whipping that has occurred in our county.

By Mr. VAN TRUMP:

Question. Who assigned it?

Answer. The men who do the whipping; that is a statement I get from every party who has been whipped.

By Mr. STEVENSON:

Question. Did they tell the victims so?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was his connection with the law-suit you have mentioned assigned as a reason for whipping him?

Answer. I believe he told me that when they whipped his daughter the first time they said that they had been swearing against parties, and that they would give them a whipping for that; that they whipped her because she had been swearing against them. She had been swearing against some of them for forcible trespass also.

By Mr. POOL:

Question. I want to know about that matter of forcible trespass. I have seen that assigned in some papers as a reason for whipping Biggerstaff, and I would like to have the witness state what it is.

Answer. In February, 1870, I believe it was, a party of men went to the house of a man named McGahey.

Question. Do you mean a party of men in disguise?

Answer. Yes, sir, a party of disguised men went to McGahey's, and abused his wife somewhat. He was not at home that night, when they were there, but come in in an hour or such matter, after his wife had been abused. It was snowing; there was snow on the ground at the time. He went around to some of his neighbors, among them to Mr. Biggerstaff, and got them to go with him and track the parties who had committed the outrage upon his wife. They tracked the parties to Sam Biggerstaff's, a half brother of this Aaron Biggerstaff, who has been whipped.

Question. Do you mean that Aaron Biggerstaff was in the crowd who went with McGahey?

Answer. Yes, sir; to trace this matter. When they got to Sam Biggerstaff's, so the testimony is, there were two or three guns fired into Sam Biggerstaff's house. Aaron Biggerstaff acknowledged that he was one of the party, and he was tried for a forcible trespass upon his brother.

Question. One of the party that fired the guns?

Answer. No, sir; not that he fired a gun, but that he was with the party who did fire the guns. He was tried for forcible trespass and fined $20 or $25, for being with the party of men who were engaged in hunting up those who had abused McGahey's wife. That is the only crime I ever heard charged against him.

By the CHAIRMAN:

Question. Was his brother Samuel one of the party who visited him afterwards, and whipped him?

Answer. Yes, sir; and he was sworn to by him.

Question. Now give us as briefly as you can such other cases of recent occurrence in Rutherford County as have been brought to your notice.

Answer. I have a memorandum here that will assist my memory somewhat, a memorandum of most of the cases in our county. On last Saturday night, a week ago, a man by the name of Joseph Tessanier, as is stated in a letter which I have received since I left home——

Question. You have no knowledge of that except what you derived from that letter?

Answer. That is all.

Question. If you have reliable information sufficient to satisfy you that such cases have occurred, give us the number of the cases and who were the parties upon whom these outrages were inflicted, without going into details.

Answer. There was a case about two months since of a colored boy of the name of Henry Carpenter. A party of men went to his house in the night and took his gun away from him.

Question. Have you that from him?

Answer. Yes, sir; I have it from him. He said that they told him it would not do for negroes to have guns; that they must not have them for they would get into devilment; that they must be as they were before the war; that the democratic party were their friends, if they acted right, and to prevent them from acting wrong they would take their arms away from them. That is about the statement he made to me.

Question. Do you know this boy Carpenter?

Answer. Yes, sir; I was very well acquainted with him; he was raised by my father-in-law.

By Mr. POOL:

Question. Was any other outrage committed upon him?

Answer. No, sir; only taking his gun away from him. Then there is the case of an old man by the name of Nodine, a soldier of the war of 1812. He came to see me and talked with me a great deal. The case occurred perhaps three months ago. He stated to me that a party of men came to his house and struck him two or three licks with a hickory.

Question. Were they disguised?

Answer. Yes, sir; they were disguised. He said he thought he knew a portion of them, but he was getting old and could not see well, and he would not swear to them.

Question. What did they urge against him as the reason for whipping him?

Answer. His being a republican; no other offense could be charged against the old soldier.

Question. Is he a man of respectability?

Answer. Yes, sir; as good a character as that of any man; there is nothing against him at all.

By Mr. POOL:

Question. Was this at night?
Answer. Yes, sir,
Question. Did they take him out of bed?
Answer. I believe he said he had not gone to bed.
Question. Were his family present?
Answer. Yes, sir.
Question. Was this beating done in the presence of his family?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know of any other cases that have occurred within the last five or six months?
Answer. So many cases have been reported to me that I hardly know how to get at them.

By Mr. VAN TRUMP:

Question. How came you to be selected as a depositary of this information? Why did they come to you?
Answer. I am about as strong a republican as there is in our county, and they come to me to get advice and information as to what they shall do. I have been in the habit of telling them what course to pursue, to go and take out a warrant, &c.
Question. Have you been in the habit of hunting up these cases?
Answer. No, sir; there are plenty of them without hunting them up; they will come to you, in spite of all you can do, without hunting them.

By Mr. POOL:

Question. Are you clerk of the superior court there?
Answer. Yes, sir.

By the CHAIRMAN:

Question. We have been asking you about recent cases. Have there been numerous cases of this character within two years past?
Answer. Yes, sir; there have been I cannot tell how many. I suppose from one hundred to two hundred cases within the last two years.
Question. You are in one of the counties where these Ku-Klux outrages have been very numerous?
Answer. Yes, sir. As I have stated, the county adjoins the South Carolina line, at Spartanburg County, and it joins Cleveland County in North Carolina, in which it is said there are more Ku-Klux than in any other region of country.
Question. I have inquired of you about recent cases in order to ascertain if the passage by Congress of what is known as the Ku-Klux bill has had any effect upon the community in suppressing these disorders.
Answer. I do not know that there are so many as before the passage of that act; but that might be accounted for in a different way, that there is now such an intimidation through all that country that it is not necessary to whip so much as three months ago, perhaps.
Question. To what do you attribute it?
Answer. I think the act has had a good effect there; that is my opinion; I think a great many men there are more cautious about committing these outrages than they were before.
Question. Have you any such evidence as would satisfy you that the organization of the Ku-Klux in North Carolina is still kept up.
Answer. Yes, sir, I have.
Question. Was this whipping of the Biggerstaff family, while on their way to Raleigh, as described by you, done in the same manner as similar outrages which have occurred heretofore?
Answer. No, sir; I think he said to me that none of the men had the regular disguise on; they had handkerchiefs tied over their faces, or something of that kind, but they were not regularly disguised. He accounted for that in this way: that they went there intending to kill him; they made the statement to him that they did.

By Mr. POLAND:

Question. Did he know the men?
Answer. Yes, sir. And they made the statement when young Biggerstaff made his escape that they had played the devil, or something to that amount.

By the CHAIRMAN:

Question. Is that the first case to your knowledge which has been taken into the United States courts since the passage of this law?
Answer. I think it is the first case in our county under the new act.

Question. Have there been any others since, except the case that arose out of the whipping of witnesses?

Answer. Warrants have been issued in a number of cases in our county within the last three weeks; I do not know how many.

Question. Have you known, prior to the passage of this law, any person in Rutherford County who was arrested, tried, and convicted for any of these offenses known as Ku-Klux outrages?

Answer. There never has been but one case in our county before the passage of this act in which men were arrested; that was the case of the parties who Ku-Kluxed Mrs. McGahey, Owens, and some others, on the same night of the forcible trespass which Biggerstaff was in. Those men were arrested under a bench warrant issued by Judge Logan. A true bill was found in the superior court of our county, and upon the affidavit of the defendants the case was removed to McDowell County, and it has been continued every term in McDowell County.

Question. That is the adjoining county?

Answer. Yes, sir.

Question. There has been no trial?

Answer. No, sir; it was sworn off the first time by the defendants, and I believe at the last term it was sworn off by the solicitor, because he could not get his witnesses there on account of intimidation; however, I do not know whether he was required to swear to that.

Question. You say that was the only case prior to the passage of the new law in which any arrest had been made?

Answer. Yes, sir.

Question. You speak of the state of intimidation brought about by whippings in that county. Did such a state of intimidation prevail there, to your knowledge, in consequence of these whippings?

Answer. About the time they refused to go to court it was stated to me that a juror who was drawn and summoned for the last term of the court for our county refused to go, because he was notified if he did go he would be Ku-Kluxed; that a negro would not be allowed to sit on the jury.

By Mr. VAN TRUMP:

Question. Was he the only colored man on the jury?

Answer. No, sir; I think there were three. In our county there are generally two or three on every jury, and have been since 1868.

Question. Did the other colored jurors attend?

Answer. Yes, sir; but this man lived down in this disaffected portion of the county, right where the South Carolina line joins Rutherford on the south, and the Cleveland line on the east; he lives right down in the corner.

By the CHAIRMAN:

Question. Have you any other facts within your knowledge which bear upon the subject of this inquiry, relating to the execution of the law and the safety of person and property in the State of North Carolina?

Answer. I san say that persons in our county do not consider their lives safe, so much so in some parts of the county that some twelve or fifteen are now living in Rutherfordton, and have left their farms where they have crops, and are staying in Rutherfordton for protection.

By Mr. POLAND:

Question. Do they live in this southern portion of the county?

Answer. Yes, sir.

By Mr. POOL:

Question. Are they republicans?

Answer. All republicans; no conservative has been forced to leave his home.

By Mr. COBURN:

Question. You say they are in terror, and whipping is not so necessary as formerly in order to subjugate them. Have you any other facts now within your recollection to substantiate that statement? You spoke a while ago about the number of whippings. Did you make the statement from what citizens have said to you or from the acts of the people?

Answer. There is less being said in the southern part of the county; men do not come out and express their sentiments as they have heretofore done. I know men in the lower part of the county there who say they would not now go to the polls at all, and would not vote, no matter what the issue was, for their property and their persons would not be safe if they did so.

Question. How long since these persons moved into town?

Answer. Mr. Biggerstaff came in four or five weeks ago last Saturday, the evening

after his second whipping; his wife and daughter were with him. There are colored men who have been coming in there since December; I do not know how many there are of them; some from Cleveland County, and some from the lower part of Rutherford County.

By Mr. VAN TRUMP:

Question. How long since you have been down in the southern part of the county?

Answer. I went down there week before last, late one evening, and came back in the morning; I went down to see a sick sister.

Question. You staid there all night?

Answer. Yes, sir.

Question. I understand you to say that you were about the fiercest republican in Rutherford County.

Answer. I do not know that I said "the fiercest;" I think I am as strong a republican as any there.

Question. Were you afraid to go down there?

Answer. I confesss that I did not feel safe.

Question. Were you troubled while down there?

Answer. There was a Ku-Klux signal made within one hundred and fifty yards of my father's house, although I was there sitting up with a sick sister.

Question. Your father lives there, then?

Answer. Yes, sir.

Question. Is he a republican?

Answer. He has been, but he does not express himself now.

Question. What do you mean by the Ku-Klux making a signal?

Answer. They fired a gun or pistol three times; that is understood to be the signal for the camp to assemble.

Question. Are there a great many republicans down there?

Answer. They are pretty scarce now.

Question. Have there been?

Answer. Yes, sir; I think there would be a majority in that part of the county.

Question. You do not know who fired those three shots?

Answer. No, sir, I do not.

Question. That is all that was done?

Answer. Yes, sir; that is all that was done.

Question. You say that is a signal for them to assemble?

Answer. It is said to be the signal for a camp to assemble; I do not know of my own knowledge.

Question. The signal did not seem to have been obeyed?

Answer. I do not know whether it was or not.

Question. It was not obeyed, so far as you were concerned, if it was intended for you?

Answer. Unless it was intended to intimidate me, to let me know they were there.

By Mr. POLAND:

Question. What do you mean by camps? You say it was a signal for the camp to assemble.

Answer. It is said that this White Brotherhood or Ku-Klux are divided into camps.

Question. What is a camp?

Answer. A certain number of men in the Klan; I do not know how many. In each settlement where they meet they have a camp. The way I understand it, they are made up of camps and have a commander.

Question. How often do they meet?

Answer. I do not know; I believe it is said they meet about once a week or two weeks.

Question. Did those men who have given you information about crimes being committed also give any account of these camps?

Answer. No, sir; I did not get my information from them.

Question. Have you ever had any conversation with a man who professed to be a member of this Ku-Klux?

Answer. I have never had any conversation in regard to the matter, or asked for information, from a man who said he belonged to it. I have had conversations with men who said that they had talked with members of the Klan; that is the way I got my information.

Question. Have these people who moved into town, and who expressed this terror, complained to officers of justice in order to secure their protection?

Answer. Biggerstaff and some of these colored men have, and warrants have been issued, and some of the men have been arrested, and I suppose have been tried since I left home; their trial was set down for a day since I left there.

By Mr. STEVENSON:

Question. How long since these Ku-Klux operations began in your county?

Answer. I believe the first outrage was committed in February, 1870—that on McGahey's wife; that is the first I remember having been committed in our county.

Question. Do these outrages occur all over the county, or only in the southern part of the county?

Answer. In the southern part, in the edge of the county, say six or eight miles of the county bordering on the Cleveland County line and on the South Carolina State line; that is where most of the troubles have been.

Question. What proportion of the county is that?

Answer. I suppose perhaps one-quarter of the county.

Question. You say that a majority of the people in that region were republicans?

Answer. Yes, sir; they were in 1868, before this.

Question. White or colored?

Answer. They are white; there are some colored men there, but the white have a majority in every township in our county. The republican majority in 1868 was between 300 and 400 white men, and then there were between three and four hundred colored men in the county, making a total republican majority in the county of about 800.

Question. What was the result of the election in 1870?

Answer. Our county went republican by from 210 to five hundred and something; different majorities on the different candidates.

Question. What was the effect in this particular locality?

Answer. My impression is now—I will not be positive—that the republican party lost in that section while they gained in the other; that's my recollection, though I will not be positive about it.

Question. There was a loss in that county?

Answer. Yes, sir.

Question. Was it confined chiefly to that locality?

Answer. There was a general falling off of the vote of the county; the democrats gained only some thirty-odd votes, while the republicans lost all the rest of the difference; it was a smaller vote than before.

By Mr. VAN TRUMP:

Question. You say the first intimation you had of the existence of this organization was in 1870?

Answer. That was the first whipping.

Question. There had been many elections before that time?

Answer. Yes, sir.

Question. You did not hear of the organization before that time?

Answer. I had heard of the organization; not of any outrage in the county.

By Mr. BLAIR:

Question. You have said that within the last two years there have been two hundred outrages in that county?

Answer. I think from one hundred to two hundred outrages have been committed since February, 1870; one or two hundred persons whipped in the county.

Question. What gave such a sudden impulse to these things in February, 1870?

Answer. I cannot account for it; I do not know any reason why these outrages should have begun then.

Question. The presidential election of 1868 was about as exciting and important an election as any that has taken place there since?

Answer. Yes, sir; there was no great excitement there at the presidential election; there was not a full vote at all.

Question. There is not a full vote now, as I understand?

Answer. No, sir; the vote has not been as large since 1868; I think we cast as large a vote in 1868 as we have since the war.

By Mr. POLAND:

Question. Have all the persons who have suffered from these outrages and acts of violence been republicans?

Answer. Yes, sir, every one in our county, where disguised men have committed the outrage.

Question. Have you ever heard of any republican having been connected with any of these bands who have perpetrated outrages?

Answer. No, sir; I never heard of a single republican in our county being connected with them.

Question. Have you heard of any one being charged with it?

Answer. I have heard the charge made by the democratic party; the democratic party charged the whole thing on the republicans.

Question. Is there any one republican in your community whom you have heard charged with this?

Answer. There was a murder there that is sometimes classed as a Ku-Klux outrage, but I suppose politics had nothing to do with it. It occurred in the upper part of the

county; I refer to the killing of the Weston family by the Adairs and Bainard; but I suppose politics had nothing to do with it.

By the CHAIRMAN:

Question. Was that case tried in court?

Answer. The men have been arrested and are in jail.

By Mr. POOL:

Question. I want to ask you a question or two about this matter, to see if I can get into it so as to understand it. You say there have been in the neighborhood of from one to two hundred outrages there during the last year?

Answer. I think there have been from one to two hundred persons whipped and abused in that county.

Question. In that single county?

Answer. Yes, sir.

Question. Can you give the names of any of the parties who have been outraged?

Answer. Yes, sir.

Question. Well, give us some of them.

Answer. There was Bob Toms.

Question. What sort of a man is he?

Answer. He is a colored man; I do not know anything about his character.

Question. What was done with him?

Answer. I do not know; it was just reported to us there at Rutherfordton that there was an outrage committed upon Toms. The same night that they whipped Bob Toms——

By Mr. VAN TRUMP:

Question. You said you did know what was done with him; you now know that he was whipped?

Answer. Yes, sir, I believe he was whipped. The same night he was whipped a colored school-house or church was burned right close to him. Then there was Ben Howrer.

By Mr. POOL:

Question. What was done with him?

Answer. I do not remember. Then there was Martin Daggett; he was whipped

By Mr. VAN TRUMP:

Question. Have you marked his name in your memorandum there as "whipped?"

Answer. No, sir; I know the parties. These are some memoranda I made hastily when I was starting from home. Then there is Richard Logan; I do not remember what they did to him. Then there are Martin Pearson and wife; they were whipped two different times, as I have it on my memorandum here.

By Mr. STEVENSON:

Question. Who were they?

Answer. A colored man and his wife. Then Granville Miller, whipped twice; Walton Calvert, whipped; and John Nodine ——

By Mr. POOL:

Question. What did they do to him?

Answer. They whipped him; that was the old gentleman I mentioned some time ago, a soldier of the war of 1812. J. P. Gillespie, a justice of the peace, abused; not whipped, but just abused, talked to, threatened. The Bradley family, colored; I do not know how many, perhaps some five or six.

Question. What was done to them?

Answer. They were whipped.

Question. The whole family?

Answer. There were several of them who were grown; they were whipped.

Question. All the same night?

Answer. Yes, sir. Then there was Aaron Biggerstaff, and William Holland.

Question. Was Aaron Biggerstaff's daughter whipped too?

Answer. Yes, sir.

Question. Tell us about that.

Answer. Her name was Ramsay, she had been married, but her husband was dead. The first time they whipped Biggerstaff they also beat her with a stick on her arms; perhaps some of them knocked her with their fists, I believe pushed her down; that, I believe, was the amount of it.

Question. Was there anybody else whipped there?

Answer. That night?

Question. Yes, sir.

Answer. The old lady was pushed about and threatened; I do not know that she was whipped.

Question. How old is she?

Answer. Sixty, I suppose.

Question. How long have she and Mr. Biggerstaff been married?

Answer. Judging from the age of their children, I should say forty years.

Question. Is there anything against her character?

Answer. Nothing in the world, that I ever heard of. The name of the daughter was Mary Ann Ramsay.

Question. How was Mr. Biggerstaff whipped?

Answer. Biggerstaff said that he was whipped with hoop-poles and sticks and withes until he could neither sit, stand, nor lie; they had just to prop him up in bed, and I think he remained there two weeks before he could leave the house. He said you could not lay your hand on him, from the top of his head to the bottom of his feet, without putting it upon some bruise or gash.

Question. Was he stripped?

Answer. I think not.

Question. Can you give any other names?

Answer. I have here the name of Mrs. McGahey, about which I spoke some time since. I do not know that I can remember the names of as many as I have no doubt have occurred. I have the names of Almon Owens, Nancy Owens, Mrs. Jenkins, Ibby Jenkins ——

Question. Were they all whipped?

Answer. Whipped and pushed about; sometimes they did not whip them, but caught hold of them and shoved them about and pushed them down. This old lady, Mrs. Ibby Jenkins, was not whipped, but pushed about, and her arm hurt very much. Then I have the name of Joseph Tessanier. Then there is the name of Ann Warren; she is a white woman of very bad character. Then there was a colored school-house burned in Colfax Township, about the first of February, 1871. Then I have the names of M. E. Taylor, Lightner Hall, and Mrs. Simmons.

Question. Was she a white lady?

Answer. Yes, sir.

Question. Was she whipped?

Answer. Yes, sir; she was a woman of bad character. Then there is Elizabeth Brooks.

By Mr. BLAIR:

Question. What was she whipped for?

Answer. She was about to marry an old man, and it was said that his sons were the parties who whipped her. They were disguised and went there.

By Mr. VAN TRUMP:

Question. Then it seems that any person who has a wrong to redress in your county puts on a mask and goes out for that purpose?

Answer. I do not doubt there is much of that done.

By Mr. POOL:

Question. Were the sons of that old man members of the Ku-Klux organization?

Answer. It was so reported. I believe these are all the names I can remember right now. I might, perhaps, extend the list by thinking and referring to my file of newspapers.

By Mr. VAN TRUMP:

Question. In reference to these women whom you designate as bad characters, were they in the town?

Answer. No, sir; in the country.

Question. What do you mean by bad characters?

Answer. They were disreputable; not virtuous at all, some of them.

Question. And somebody undertook to correct them and reform them in that regard?

Answer. I suppose that was at least the excuse for the whipping.

By Mr. POOL:

Question. What is the whole number of voters in Rutherford County?

Answer. About twenty-five hundred.

Question. How many colored voters are there in the county?

Answer. I think there are a few over four hundred.

Question. How many white republican voters in the county?

Answer. I think there may be about nine hundred white republicans in the county.

Question. How many white democrats?

Answer. That would make about eight hundred; it might be a little different. The republicans have between two and three hundred white majority, I think.

By Mr. VAN TRUMP:

Question. That is, there are two hundred or three hundred more white republican voters than democratic voters in the county.

Answer. Yes, sir.

Question. Do you mean to be understood that these one hundred or two hundred whippings in the county during the last year have been political whippings?

Answer. In every instance the statement has been made to the parties whipped that it was because they were republicans, and they must quit voting the republican ticket.

Question. Then you have a majority of two hundred or three hundred white republicans in the county, who permit that state of things?

Answer. Yes, sir; they have made application for protection to prevent it. They could prevent it, perhaps, by retaliation; but that is a very dangerous thing to commence.

By Mr. POOL:

Question. What is the condition of the adjoining county of Cleveland?

Answer. I think there is a perfect state of intimidation there. You cannot get out the republican vote in that county.

Question. Is it worse in Cleveland than in Rutherford County?

Answer. A great deal worse, so far as intimidation is concerned.

Question. Have there been outrages committed in Cleveland?

Answer. Quite a numqer of outrages have been reported in that county. There are men in our town who left Cleveland, and reported that they had been whipped in Cleveland County and had come to our town for protection.

Question. How about the number of white democrats in Cleveland?

Answer. I think the vote of that county is from 1,800 to 2,000, and at the election in 1868 they carried the county by about three hundred or four hundred majority.

Question. The democrats carried it.

Answer. Yes, sir.

Question. Are there many negroes in Cleveland County?

Answer. There are about five hundred colored voters there—that is, I have these figures from parties; I do not know that they are correct.

Question. Is there any allegation that parties who commit outrages in Rutherford County come there from Cleveland County, North Carolina, or Spartanburg County, South Carolina?

Answer. Yes, sir; that is reported, that is, that the parties committing outrages near the line are reported to come from South Carolina.

Question. What do the democrats say about that?

Answer. About their coming from South Carolina?

Question. Yes, sir.

Answer. I notice that the Sentinel, published in Raleigh, stated that the Ku-Klux from South Carolina were committing these depredations, and they ought to be stopped, and that every body should join to put them down; that it was giving Rutherford and Cleveland Counties a bad name.

Question. The Sentinel is a democratic paper.

Answer. Yes, sir.

Question. Suppose the republicans of Rutherford were to attempt to retaliate; would there be men coming in from Cleveland County and from Spartanburg to help these parties?

Answer. Yes, sir; I have no doubt about it.

Question That is what you are afraid of.

Answer. No, sir; we are not afraid of that, but we think if we should commence retaliation there would be another strife, and we do not want to get the country into another trouble.

Question. Have there been more outrages committed in Rutherford County since the last election than before?

Answer. Yes, sir.

Question. The election came of in August, 1870?

Answer. Yes, sir.

Question. And the Ku-Klux commenced their operations before the election?

Answer. Yes, sir; I do not remember, however, any but the Biggerstaff and McGahey cases that came off before the August election.

Question Is there an election to come off this approaching August, in the State?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. Is there not an election in your State every August?

Answer. The election this year is a small election.

By Mr. POOL:

Question. It is upon the calling of a convention?

Answer. Yes, sir.

Question. It is not for the election of officers, except delegates to the convention?

Answer. Yes, sir; it is to vote whether there shall be a convention, to vote for delegates to the convention, and also to vote for township officers, magistrates, constables, school committees, &c.

Question. When these parties were whipped, were their houses broken into?

Answer. Yes, sir; I believe in almost every case. They would make a rush at the door, burst it open, and rush right in immediately, and jerk them out of their beds.

Question. In the night?

Answer. Yes, sir.

Question. Can you give me the names of any men in the county of Rutherford against whom there is evidence of their being members of this Klan? I am not acquainted in the county at all, and I may not recognize the names. But I would like to know, if you feel at liberty to give the names of those who are engaged in committing these outrages.

Answer. I can give you a long list of names, that I have at second-hand, of those who belong to the organization. A man states to me that he has it from the members of the organization; I can give you a long list of names.

Question. Of men who were suspected?

Answer. Of men who were said to belong to it.

Question. I do not care about a long list of names; I want the names of ten or fifteen of the most intelligent men of the crowd, and of the best character in other respects.

Answer. Could I have time to consider and make out a list of the names?

Question. I do not want to detain the committee; but I want it at least for my own information.

Answer. I can give you the names of men who are said to belong to it.

Question. Give such names as you can now, selecting those who have some standing there, and who can come and have their say here. I think that would be but fair.

Answer. L. A. Mills, jr., a son of Dr. Ladson Mills, who represented our county; he is said to be a leader of the Klan.

By Mr. BLAIR:

Question. Where does he live?

Answer. In Rutherfordton.

By Mr. POOL:

Question. Can you give any other names?

Answer. You could probably get information from Edmond Bryan, jr.

By the CHAIRMAN:

Question. Give their post-office addresses as you mention the names.

Answer. The two I have mentioned live at Rutherfordton. Then, at Burnt Chimney post-office, are J. R. DePriest, T. J. Downey, Hoyle Gross, Guilford Eaves, and Barney McMahon. Is that as many as you would like? I could give you others.

By Mr. POOL:

Question. That would be as many as we should want at one time. Can you give us the names of any parties in the adjoining county of Cleveland? Do you know anybody in Cleveland County?

Answer. I know quite a number of men in Cleveland County. I think that Captain Plato Durham could tell about it in Cleveland.

Question. You do not think he is a member of this order?

Answer. I do not think he is?

Question. Do you?

Answer. It is reported that he is; and I think he could stop it if he would.

Question. Give two or three additional names from Cleveland County.

Answer. You may take the sheriff of Cleveland County, B. F. Logan; I think B. F. are his initials. His horse has been identified as being in these raids, and Mr. Biggerstaff offered to swear that he was one of the men at his house.

Question. The present sheriff of Cleveland?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Is he related to Judge Logan?

Answer. Very distantly related. He told me himself that his horse had been described as having been seen in a raid.

By Mr. POOL:

Question. Who told you so?

Answer. The sheriff of Cleveland County told me that his horse had been described.
Question. Is he a democrat?
Answer. Yes, sir.
Question There is a democratic majority in Cleveland?
Answer. Yes, sir.
Question. Give us one or two other names.
Answer. You may take the name of James Alexander, of Shelby, and the name of William Bostick, at Morrisboro.
Question. Have there not been a great many outrages within the neighborhood of Morrisboro?
Answer. Within four miles of that place I suppose there have been some fifteen or twenty outrages,
Question. Within what time?
Answer. I guess within the last six months; I do not know the exact date.
Question. That is in Cleveland County?
Answer. Yes, sir; that is in the part of Cleveland County that joins Rutherford; all that sandy run of country around Morrisboro.

By Mr. BLAIR:

Question. I want you to tell us whether or not this outrage upon Biggerstaff was not reported and understood to be a retaliation upon him for an outrage committed upon Sam Biggerstaff, his brother.
Answer. No, sir; I never heard that report, and there were some twelve months between the two.
Question. You stated the fact to be that Sam Biggerstaff was among those who made the assault upon him.
Answer. Yes, sir; he swore to Sam Biggerstaff.
Question. And you also stated that Aaron Biggerstaff was with a party who fired into Sam Biggerstaff's house previously.
Answer. Yes, sir.

WASHINGTON, D. C., *June* 15, 1871.

A. WEBSTER SHAFFER sworn and examined.

By the CHAIRMAN:

Question. Do you live in North Carolina?
Answer. Yes, sir.
Question. What part of it?
Answer. Raleigh.
Question. Do you hold any official position there?
Answer. I am register in bankruptcy and United States commissioner.
Question. How long have you held that position?
Answer. I have been register in bankruptcy in that district since 1868. I was formerly register in the sixth district; my present district is the fourth.
Question. How long have you been United States commissioner?
Answer. I was appointed United States commissioner while I resided in the sixth district, in 1867—the latter part of that year or the first part of 1868; it was during the December term of 1867 of the United States circuit court; whether it ran into January I do not know. The date of the appointment I do not remember.
Question. In the discharge of your duties as United States commissioner, have you had occasion to inquire into the commission of acts of violence and lawlessness in any part of North Carolina?
Answer. I have since the act of May 21, 1870, in my capacity as commissioner.
Question. State, as briefly as you can, the facts that have come under your observation, and the condition of things as affected by those acts of violence, down to the present time.
Answer. The warrants issued from my office have run into Johnson, Chatham, Harnett, and Moore Counties, chiefly against persons who had, during the night-time, disguised, assaulted the persons and houses of chiefly colored people, whipping, shooting, and otherwise mutilating them, in crowds of from eight to twenty and twenty-five—sometimes thirty. I should think the number of cases was about twenty-five. I could tell very readily the exact number of cases I have heard. I do not know that I could tell the number of warrants I have issued which have been carried before other commissioners.
Question. By cases you have heard, you mean heard before you as commissioner?
Answer. Yes, sir; where the marshal returns prisoners before me. I could tell the exact number of cases to-day, if I wanted to do so, by reference to some papers I have here.

Question. State, as briefly as you can, what has been the character of those cases.

Answer. The parties who made oath for the issue of the warrants testified that parties in disguise had come there in the night-time, assaulted their houses and persons, broken down their doors, and in most cases taken the inmates—men, women, and children—and whipped and mutilated them. Do you want the details of any particular case?

Question. Give us the general aspect of the cases, and then, if you can, the names of the parties.

Answer. The case of Essic Harris, a colored man of Chatham County, is a peculiar one. The affair occurred some time in January last. A crowd of from twelve to twenty approached the house and undertook to beat down the door. Harris had some corn in the house that he had put against the door. After one man had beaten the door, and broken it down, it went against the corn, and did not fall. Harris had a gun with him, and he shot the man through the door. The man fell. Some of the party gave the alarm that one of them was shot. They picked him up, put him on a horse, and rode away with him. When that case was brought before me, there were about eight or ten parties arrested. They all proved an *alibi*, as usual; and among them this man Clark, who was shot. In the examination before me I saw the wound. He was shot through the left breast, from the right side, apparently. Some of the shot struck and lodged in the left arm and some in the breast. They were fine shot. Harris had with him some of the shot that he had had in the house—specimens of the shot that were in the gun. This Clark was found; and from the fact of his being wounded, and the knowledge that Harris had shot some one, I thought it sufficient to arrest him. Harris did not know him.

Question. Could he not identify him?

Answer. He could not identify him. He saw some of them through a window whom he did identify, but he did not identify the man at the door, because he was disguised. He wore a false-face with horns on it, as Harris described it, so that he could not see his face. The *alibi* that they proved for Clark was that he was employed with a man named Burgess and Burgess's son, about five miles from there, in a saloon, or whisky-shop; that the Ku-Klux the same night came to his house, threw stones at the door, made offensive demonstrations, but were frightened and ran; that Burgess was not at home at the time, but was on his way home with a keg of whisky; that Burgess's son and this man Clark who was shot met him on the road, and they all three turned round and went back. Clark was the son of a widow, and was about eight miles from home when he started from that house. He went about three miles. The three had taken a cross-road through an old field where there had been some illicit distilling. The witnesses for the *alibi* testified that it was regarded as a dangerous country, although there was no evidence of any distilling there then; and that while they were passing in Indian file through a path in the woods somebody shot the leader, Clark, who was ahead; that the person fired from the right, in the bushes; fired just one shot and Clark fell. Burgess and his son both swore that they were about there at 2 o'clock at night from half an hour to an hour, trying to get Clark in a condition to carry him home; that they did not look into the bushes to see whether the man who fired the shot remained there, or to see who he was, or whether there was more than one. They swore, also, that they took him home that distance by partly carrying him and partly supporting him between them, and a part of the time walked him along without carrying him at all; that they passed five or six houses on the road, and saw nobody, and made no alarm. That was the inconsistency of the story.

By Mr. VAN TRUMP:

Question. Were those two witnesses, Burgess and his son, examined separately and apart from each other?

Answer. No, sir; I did not know what the testimony was going to be, except that an *alibi* was to be proved.

By the CHAIRMAN:

Question. Had they been charged with any special offense?

Answer. They were all arrested.

Question. Both Burgess and his son?

Answer. Not Burgess's son; he was not one of them. The witness testified that he recognized Burgess as one of the parties who had been at the house.

By Mr. VAN TRUMP:

Question. You mean the witness Harris?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you hear the charge against Clark alone, or was the charge a joint one against all the defendants?

Answer. It was a joint one against the defendants; but the evidence of Essic Harris was being given at the time to identify the man Clark.

Question. How did you come to examine one of the defendants to prove an *alibi* for a co-defendant?

Answer. It was Burgess's son who proved the *alibi*. Burgess was not examined. It was the son who gave the testimony as to the *alibi*.

By Mr. POOL:

Question. To prove the *alibi* of the father as well as others?

Answer. Yes, sir; that is where the first story arose that the Ku-Klux in that section of the country were republicans. This man Burgess, and Clark, and Burgess's son, I suppose, had been republicans. In 1868 they supported the reconstruction measures of Congress, and voted for Governor Holden.

By Mr. VAN TRUMP:

Question. When was this examination before you?

Answer. Last January.

Question. Had there been any evidence of change in their politics?

Answer. It was attempted to be proved that they were republicans at that time, but it could not be done. They brought Clark's mother, an old lady and feeble, and they tried to prove by her that he was a republican. There were three or four attorneys for the parties; and she swore that he was a republican before the late election, the election at which Mr. John Manning ran.

Question. Was it understood in 1868 that they were republicans?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Who introduced that testimony?

Answer. The defense.

Question. To show that they were republicans?

Answer. They wished to show that they were republicans.

By Mr. POOL:

Question. Did they show anything about their politics in the last election?

Answer. They were shown to be democratic. She undertook to say that he was a republican then, but would not swear to it at all.

By the CHAIRMAN:

Question. Did you admit that evidence in your judicial examination for the purpose of determining the probable guilt of the parties?

Answer. I heard the testimony. I did not admit it as a matter pertinent at all to the inquiry before the court.

Question. Testimony of that kind was introduced to show that the defendants were republicans?

Answer. It was admitted on that occasion.

Question. And on the other side was testimony admitted to prove that they belonged to the democratic party?

Answer. There was no testimony at all offered on that point. The object was for political purposes so far as the attorneys for the defendants were concerned; and there was no disposition to disprove it, because it was well understood what the politics of those men are at the present time. There was no question about it at all in the minds of anybody.

By Mr. POOL:

Question. You mean as to their politics?

Answer. Yes, sir. I regarded the question as improper anyway; but the question was asked; it was the first time, and I did not stop it immediately.

By the CHAIRMAN:

Question. Go on with your statement.

Answer. The man Clark was held in a bond of $3,000. He has, as I now understand, gone off. He is the first man who has deserted his bondsmen. That is about the nature of that case. It is now being heard by a grand jury at Raleigh.

Question. Harris identified the elder Burgess as one of the parties who had been at his house?

Answer. Yes, sir.

Question. How many persons besides the son were there who proved an *alibi*?

Answer. No other besides Burgess's son was there to prove an *alibi* for Clark, except the parties who saw him at home. His mother was there for that purpose.

By Mr. VAN TRUMP:

Question. In what way did Harris undertake to identify Burgess?

Answer. He said he saw him through the window. It was a very clear, moon-light night. It is a peculiarity of the organization that in their prowlings they go about the country on moon-light nights. There is hardly an exception to that.

Question. Was Burgess in disguise?

Answer. I believe he was disguised.

Question. What was the character of the testimony of Harris in identifying Burgess; did he recognize any particular mark about him?

Answer. I do not remember very distinctly what the testimony was as to Burgess; but the testimony was, that it was a very clear, moon-light night, and that the parties were about the window, and some of them had their disguises off their faces.

Question. Did Harris swear that Burgess had his disguise off?

Answer. I cannot tell at present whether he swore particularly as to Burgess or not; but he swore to three or four of the parties whom he identified by seeing their faces through the window; and my judgment would be, that Burgess had his disguise off with the rest, or Harris could not have recognized him.

By Mr. STEVENSON:

Question. Does Burgess live in that neighborhood?

Answer. Yes, sir; about three or four miles from Harris.

Question. Did you say that Burgess has left?

Answer. No, sir; it is Clark who has left. I think Burgess is still there.

By the CHAIRMAN:

Question. Has the case been tried yet?

Answer. It was before the grand jury when I came away. The indictment had not been found when I came away.

By Mr. POOL:

Question. Has Clark absconded?

Answer. Yes, sir; that is the rumor through that section.

Question. Was it proved that Burgess and Clark were democrats, to the satisfaction of every one?

Answer. Yes, sir; it was admitted they were; that is all I know.

By Mr. VAN TRUMP:

Question. Who admitted it?

Answer. All the parties admitted it. Mrs. Clark, whom they brought forward to prove that Clark was a republican, said that he had been a republican two or three years ago; but she said that she did not know and would not swear what he was now. "He went about the country," she said, "trying to do the best he could." I remember distinctly the phrase she used, "that he was a 'publican two or three years ago." I suppose she meant a republican.

Question. Are the terms synonymous down there?

Answer. No, sir, not ordinarily; but they are with some uneducated people.

Question. Were these parties, Clark and Burgess, of any character at all?

Answer. Burgess was a liquor-dealer. He had a small building with some liquors, which he retailed at a cross-road. There is none of them, generally, that have any property of any amount.

Question. None of whom?

Answer. None of these parties that go about the country disguised.

Question. You have never found many that belonged to the organization, have you?

Answer. I apprehend that I have seen a great many. I never saw them disguised, and was never in their organization.

Question. Do not certain men whom you suspect of belonging to the organization own property?

Answer. No, sir; I do not know that I ever had a case before me personally where such a man had any property at all.

Question. You say these Ku-Klux are generally men without property?

Answer. I refer to these persons who go about the country in this way, who belong to the organization, and take an active part in it.

Question. That is a mere impression?

Answer. No, sir; not altogether. I know some of them, and have had testimony. One is very apt to form a pretty clear judgment upon the facts in such cases.

By Mr. POOL:

Question. I think I have heard, in connection with this case, that there was an effort to get a colored man to break the door open.

Answer. I think the case to which you refer is another case—a case in Harnett County. In that case I issued the warrant before I came away, but the parties had not been

brought before me. The testimony given on the issue of the warrant was that they had gone to the house once and the man had shot at them.

Question. To whose house?

Answer. To the house of a colored man, whose name I do not remember. They went to the house and he fired through the window, and they left. A few nights afterward they took a colored woman who lived in the neighborhood and made her go to the door and get him to open it. This is the case that Governor Caldwell has reported heretofore. They made her go to the door and rap, and ask for admittance. The man admitted her, and then they all passed in and took him out and shot some six or eight bullets into him. He killed one of them with an ax and injured another in the face very severely. But that case has not been reported to me. I have no knowledge of the case by any testimony given except the testimony on which the warrant issued.

Question. I have reference to a case where the negro went to the wood-pile for an ax; the owner of the premises, a white man, came out and interfered, and the negro ran off. They carried the negro with them to break down the door.

Answer. I know the case to which you refer. The man got off into the woods. Those parties were arrested.

By the CHAIRMAN:

Question. That is not the case we have been considering?

Answer. No, sir.

Question. Then go regularly through the cases, as you recollect them, which have occurred since January.

Answer. They are a little mixed up in my memory, but I will individualize them as much as possible. The title of one case is Benton Knight and others.

By Mr. VAN TRUMP:

Question. Is that the case where a negro was made to open the door?

Answer. No, sir; it is the case that Mr. Pool has spoken of. It happened in the vicinity of Egypt, in Chatham County, at the junction of Chatham, Harnett, and Moore Counties. It occurred about two months ago.

By the CHAIRMAN:

Question. Were the parties brought before you in that case?

Answer. Yes, sir.

Question. Did you examine witnesses?

Answer. Yes. sir.

Question. State as briefly as you can what that case was.

Answer. I am trying to separate the cases in my mind. It is a difficult matter for me to separate the testimony in the cases. I had the testimony in some of these cases written out. I turned them over, a day or two before I received this telegram, to the district attorney. The only thing I remember distinctly was that they took him from a house. There was a woman with him, the wife of this man whom they brought to break open the door, and she identified two or three of the parties. They went to the door with him, and made him try to knock the door down. He could not break it down, and then he started to go to the wood-pile, as he said, for an ax, which he did not find, but he found the rear of the house and got into the woods. They did not succeed in getting the house open, according to the best of my recollection.

By Mr. POOL:

Question. What reason did they give him for wanting him to break the door?

Answer. They were afraid the man in the house would shoot. It was a week or two after this case of Essic Harris, who had shot one of them. Although he had been shot two or three times himself, he was not very seriously injured. He had shot one of them through the door, and they were a little afraid.

By Mr. VAN TRUMP:

Question. In the case in which you say a negro woman was made to go along with those men to induce the person in the house to open the door, how many were testified to as being in the band on that occasion?

Answer. Three, I think, were held for it. They were all whom any proof could be obtained against.

Question. The door was opened by the man inside?

Answer. Yes, sir.

Question. They went in with the woman and got him out?

Answer. They went in with her and got him out, and shot him. He is lying in Harnett County now.

By Mr. BLAIR:

Question. What is his name?

Answer. I do not recollect.

Question. You say that he was shot with seven or eight balls in him, and that then he got an ax and killed one of them?

Answer. Yes, sir. I want to correct my testimony on that point. Those parties were not brought before me.

Question. You got your information from others?

Answer. Yes, sir.

Question. What was the precise state of facts in regard to the struggle, if there was one; did the men catch hold of him?

Answer. I do not know.

Question. How did he get the ax?

Answer. I do not know. Governor Caldwell told me that one of the witnesses had been before him and reported that when the door was opened by the woman, these men ran to the door and got in, and he jumped back to the fire-place and got the ax; they fired at him two or three times; whether they hit him or not I do not know. In the *mêlée* he struck one of them upon the head and split his head open.

Question. Did you not say in your previous statement that he was shot with seven or eight balls?

Answer. I have not got through. In the *mêlée* he struck one man on the head and split his head open. After that I think they got him and took him to the wood-pile in the front yard, and they got his ax away from him. This man who was struck over the head died and was buried there; and his body was exhumed afterward during the preliminary examination of the case. The man whom they had taken from the house got away and started for the woods. They fired at him, and they sent some six or eight balls into him; but he got away. He fell once. The next morning he was found about one hundred yards from the house, near a fence. He had crawled out of the woods over an open field for that distance, but could not get any farther. That man is there yet, as I understand.

By Mr. VAN TRUMP:

Question. How did these men get the ax from him; in a personal struggle?

Answer. I suppose so.

Question. While they had their pistols or other fire-arms?

Answer. Yes, sir; I presume so.

Question. Instead of shooting him at a distance they got into a struggle with him?

Answer. They got the ax away from him somehow; I do not know how.

Question. Your knowledge in this case is entirely based upon information?

Answer. Yes, sir.

Question. Is not that country rife with rumors of all kinds in regard to these transactions?

Answer. From Chatham County I hear the negroes are leaving the country and coming to Raleigh.

Question. Are most of these reports started by negroes?

Answer. Yes, sir; the reports of whippings are generally from negroes. The distinction betwen a report and a fact may be a question.

By the CHAIRMAN:

Question. This is the case you suppose Mr. Pool to have alluded to when he asked you about the negro woman going to the door?

Answer. Yes, sir.

By Mr. POOL:

Question. Have you ever heard the facts of this case denied?

Answer. No, sir; I never heard it denied at all; everybody admits it; the sheriff of the county admits it. The cases of parties coming from that county who are whipped severely, cut, and otherwise mutilated are what I spoke of as rumor, because we do not get testimony upon them; but the backs of the victims show something about the facts very distinctly; and the injuries are not always confined to the backs.

By the CHAIRMAN:

Question. So far as you recollect individual cases that have been before you, proceed in order and give them.

Answer. There are several cases that I never issued warrants upon, for the reason that while the outrages have been terrible, in some respects, there is no testimony upon them. One is the case of Frances Gilmore, a colored woman from Chatham, in the vicinity of Locksville.

Question. When?

Answer. About two months ago.

Question. What was her statement?

Answer. She came to my office and complained that she had been whipped; that disguised persons had visited her house in the night-time, taken her out, and whipped her; laid her on the floor, taken her clothes off, and whipped her with a board; turned

her over and whipped her again; then with matches burned the hair from her private parts, and cut her with a knife; and that she had been lying there about three weeks, unable to get to me before. I asked if she could identify any of the parties. She said she could not. I asked if there was anybody there who could do so. She said nobody was there who knew any of them except by suspicion. It is so very difficult to prove anything where they do identify them, that it is very discouraging to undertake to arrest persons purely on suspicion for such an offense as that. I desire to say that she was a colored woman, because I wish to make this case distinct; there were two cases very similar. Right after that there was another case in which another Frances Gilmore was interested.

By Mr. POOL:

Question. Was she a white woman?

Answer. Yes, sir.

Question. From what county?

Answer. Chatham County. In this last case the white woman belonged to a party of contractors on the Chatham Railroad. The principal contractor with the road was a man named Howle, from Richmond. These women were about the road; I do not know what they were doing. The Ku-Klux came there in the night-time—some forty or fifty of them, as the testimony showed—and entered the camp of these persons, firing right and left, and hooting and hallooing. The contractors, I think, got away. They did not catch them. They had notified them before that they were going to drive them out of the country, as the testimony was given. Howle and some of his friends and laborers got away. They went to the house of this Mrs. Frances Gilmore and found two negroes there sleeping on a pallet.

By Mr. VAN TRUMP:

Question. Men or women?

Answer. Men. They found one white man, named Gilmore, and four women

By the CHAIRMAN:

Question. Did the testimony develop whether these were women of good or bad character?

Answer They were of rather bad character—rather worse than the generality of the country people, whose character is not always very good. They entered the house and took one negro out and whipped him. They then undertook to take the other out, and he got through the door, and ran to get away. They shot him. That man was not able to travel when the parties were arrested and brought before me. He is still there, but recovering, I think. The testimony showed that one colored man was very severely whipped, and the women were whipped; also a girl, the only girl there was in the whole crowd; I should judge she was about sixteen to eighteen years of age; they took her clothes off, whipped her very severely, and then lit a match and burned her hair off, and made her cut off herself the part that they did not burn off with the match.

By Mr. POOL:

Question. Was she a white girl?

Answer. Yes, sir, a white girl.

By the CHAIRMAN:

Question. Did the testimony disclose whether the men who committed this act gave as a reason for it the presence of those women of bad character?

Answer. They did not give any testimony as to the cause of it.

Question. In the examination was there proof of what they had said at the time?

Answer. I do not recollect the testimony as to what was said at the time. The only testimony that went to show the animus of the thing, that seemed to be given for that purpose, was testimony as to the character of those people.

By Mr. VAN TRUMP:

Question. Is there any information or public impression down there that there are frequently counterfeit Ku-Klux; that other parties assume masks to correct the morals of the people? What is the state of opinion down there in regard to that?

Answer. If you mean to ask whether it is intended to instruct the people in good morals, I do not know that it is. It is said that it is not political; the conservatives say that it is not political.

Question. Are there many private broils and much trouble among the negro population themselves?

Answer. No, sir.

Question. Not at all?

Answer. No, sir; the colored people of Chatham County are as orderly, quiet, respectful a people as I ever saw in my life anywhere.

Question. Do they never have any quarrels among themselves?

Answer. I do not know that they do. In the towns they do have quarrels, of course; they are a little disorderly; they will steal, and I suppose do worse sometimes.

Question. Do you say that the negroes as a race are free from any disturbances among themselves?

Answer. I am speaking from information that I have. I do not know and have not heard of any disturbance among the negroes of Chatham County, nor Harnett, nor Moore. I have not heard of any broils or disturbances among them, or anything of that nature.

Question. Nothing that might induce any of them to assume masks and punish disorders among themselves?

Answer. No, sir; some of them have been charged with burning barns and other buildings. That is the only thing of the kind I know of. They never attempted to give any testimony of that character before me. They never attempted to show that there were negro Ku-Klux.

By Mr. STEVENSON:

Question. What was there to explain the hostility to the contractor whom you mentioned?

Answer. Mr. Congressman Porter, of Richmond, and this man were particular friends. When Mr. Porter was running in his second canvass, Mr. Howell made, I think, some speeches in and about Richmond, and then went down there with his men, engaged in that contract, and did some talking among the colored people when the canvass of Mr. Manning was going on. He had been employed there for some little time before, but went home to canvass for Mr. Porter, and when he returned the canvass of Mr. Manning was going on.

Question. And he took part in that?

Answer. He took some part in it, and advised the negroes to vote for Mr. Holden.

Question. He had negroes working for him?

Answer. Yes, sir.

By Mr. POOL:

Question. He advised those negroes to vote for Mr. Holden?

Answer. Yes, sir; Mr. Howle is a very strong partisan.

Question. On which side?

Answer. The republican.

By Mr. VAN TRUMP:

Question. The scene of the outrages you mention was not in Mr. Porter's district?

Answer. No, sir.

Question. How far from Richmond?

Answer. About two hundred miles.

By Mr. STEVENSON:

Question. These outrages were in Mr. Manning's district?

Answer. Yes, sir.

Question. Did it appear that the object of the raid to that place was against these women when the party started? Was there any evidence on that point?

Answer. Howle and the parties who were with him stated that they had received notice by papers being left at their doors that they must leave.

Question. The men had received notice?

Answer. Yes, sir; that those Yankee contractors had to leave the country. The testimony was given in that case by one or two of the women that one of the parties stated that this was a southern country, and belonged to the Ku-Klux, that they governed it, and intended to have all Yankees and carpet-baggers leave the State.

By Mr. VAN TRUMP:

Question. Was that in the testimony?

Answer. Yes, sir.

Question. Whom did the testimony designate as uttering that?

Answer. I cannot remember.

By Mr. POOL:

Question. You mean that it was one of the disguised parties who made the statement?

Answer. I cannot remember the witness; but the evidence was that it was one of the disguised persons who stated that. They lit a fire in the house, or made one of the tenants of the house light a fire to see by; one of them sat down on the edge of the bed, and this thing over his face was loose. He talked in that way, and shook his head considerably. That was the manner of the identification of him; and he was the party that made the remark.

By Mr. STEVENSON:

Question. He was identified?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were the parties bound over for a hearing?

Answer. They were bound over for a hearing before the grand jury of the circuit court now in session.

Question. Has there been any other case before you since that one?

Answer. Some other warrants have been issued. I issued the warrant in the Rutherford case upon which I think Mr. Carpenter has been here.

Question. What case was that?

Answer. The case of Biggerstaff. The warrants which have been issued subsequent to the Gilmore or Howle case, as it is called, have not been returned before me.

Question. Has the warrant in the Biggerstaff case been returned before you?

Answer. No, sir; it was returned before another commissioner—the commissioner in Cleveland County.

By Mr. POOL:

Question. How many of these warrants have not been returned?

Answer. Some four or five.

By the CHAIRMAN:

Question. Were the affidavits on which warrants were issued made before you?

Answer. Yes, sir.

Question. What account did the complainants in the affidavits give?

Answer. The last case, I think, was from Chatham County. It was the case of a man who swore that two or three parties in his neighborhood had been whipped, and he wanted me to summon one of the parties who had been whipped to come before me to give testimony. I could not do so, of course, and I stated so to him. I asked him if he could not make affidavit upon information and belief, as that is all that is necessary by the form. He said that it was his information and belief that the parties had been very severely whipped in the night-time by persons in disguise. I asked him if he was willing to swear to it. He said he was. I wrote out the form of the affidavit and swore him to it. I read it to him afterward. I wrote it out after the words he gave me. I wrote the whole form, declaring that he, upon information and belief, swore that such and such things had happened. He said he did not want his name in there. He wanted to know where that paper would go. I told him it would go to the district attorney, and would be on file in my office until such time as the parties should be heard and returned to court.

By Mr. BLAIR:

Question. Was he a black or a white man?

Answer. A white man. He said he did not want his name on paper. I asked him why. He said if they found it out they would burn him out.

Question. You had just asked him whether he was willing to swear to the facts?

Answer. Yes, sir. He said he was not willing his name should appear in the transaction. He said that if it did they would burn him out. I told him I thought it would not appear so that they would know it, and I did not think they would do that in any case, for that reason. He said they would do it; that they had done it repeatedly. He said there were one hundred men that were whipped and mutilated and burned out who did not report, to one who did. He was very much frightened about it. He spoke in a very tremulous voice, and begged that the paper be taken out, and I took it out.

By Mr. POOL:

Question. You mean the paper was destroyed?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. Was he not evidently a very ignorant man?

Answer. Yes, sir, a very ignorant man; like most of the country people.

Question. The question you put to him, whether he was willing to swear to it, did not indicate to him that he would have to sign it?

Answer. He had signed it before I read it to him. It read that the information was given by him; that he came before me and gave such and such information of such and such violations of law by such and such persons; and when he found that he appeared in the paper as the informer, and that the paper was liable to be found in the office by the parties who were to be tried and thus come to their knowledge, he said they would burn him out if they found it out.

By the CHAIRMAN:

Question. Was the person who had been visited and injured a relative or neighbor of his?

Answer. A neighbor of his. He was so severely whipped that he had not got out. He said he could not come out then.

Question. How recent was that occurrence?

Answer. The first of last week, or the last of the preceding week.

Question. It was then that this man was before you; but when was the occurrence alleged to have taken place?

Answer. A week or ten days before that time. He said that we had no idea there of the outrages that were committed in Chatham County. He said there was not one case reported where there were a hundred whipped; that they did not dare to do it.

Question. What is your own knowledge or experience on that subject?

Answer. My judgment, based upon the testimony that was given, without any absolute knowledge of my own, is, that there is more truth about it than poetry, from the fact that the parties who come before me hesitate a great deal to give testimony. It is almost impossible to get witnesses from that county—white witnesses especially—to swear to anything, if you do not arrest them and bring them down; in many cases of white witnesses they will not come at all, and when they do get there they will beg off by all possible means. They do not want to give testimony; they dare not give testimony; and they will not give testimony in some cases.

By Mr. POOL:

Question. What reason do they assign?

Answer. Because they are afraid of the Ku-Klux. That is a very universal practice. I think that is why this man was run off, because they kept him a long time in jail. He was held in $3,000 bail, which he could not file for a time; and they were afraid he would turn state's evidence.

Question. Which man?

Answer. This man Clark that forfeited his bond; I think his own friends ran him off; it was pretty generally understood that they did.

By Mr. POOL:

Question. The Ku-Klux?

Answer. Yes, sir.

By Mr. BLAIR:

Question. What do you know about that?

Answer. I know about that what I know about most of the organization—that it is a common rumor there.

Question. You merely know it from common rumor?

Answer. That is about the only knowledge we can have of the organization.

By Mr. VAN TRUMP:

Question. How did Clark get out of jail?

Answer. He filed a bond, but he has not appeared before the court on his bail.

By Mr. STEVENSON:

Question. Who went upon his bond?

Answer. A man named Captain Pierce. George T. Stronach, of Raleigh, hesitated to go on, and finally declined to do so. A man named Captain Pierce justified in the required amount over and above his just debts and liabilities and the exemptions allowed by law, and two or three persons from Chatham County, residing, I think, in Pittsborough, went on his bond.

By Mr. POOL:

Question. What were the politics of the bondsmen?

Answer. They are always conservative. I never knew a republican to sign one of these papers.

By Mr. BLAIR:

Question. Did you inquire into his politics?

Answer. I generally know them. I do not take any man's bond unless I know that one of the securities at least is good.

Question. Do you inquire as to their politics; is not the inquiry as to the value of the bond?

Answer. I never inquire into the politics of a man to determine whether his bond is good.

Question. You remarked that you knew whether the security was good for the amount of the bond?

Answer. I do not take a bond unless I know the party myself, and know that he is good.

Question. Do you always know the politics of the party also?

Answer. Of course I do, if I know his financial ability.

Question. Does that come under the same head?

Answer. I apprehend that any gentleman here, if he knows whether a particular man is worth any money at all—if he knows that he is worth a certain amount above his just debts and liabilities and legal exemptions—knows what his politics are. That would be the case, I am sure, with any gentleman living in my country.

By Mr. STEVENSON:

Question. How far was the scene of this act and the home of Clark from Raleigh?

Answer. About forty miles.

Question. So far as you know, did the bondsmen who lived in Raleigh know Clark at all?

Answer. No, sir; I do not know that they did. I think that Pierce knew him; he came from Chatham. But George T. Stronach, who was about to go on the bond, hesitated three or four days; he did not know him, but was well acquainted with Captain Pierce; was with him in the confederate army; they knew each other very well. Clark is a man of no means at all.

Question. Were these accused parties in the rebel army?

Answer. No, sir; I think Clark was not; I think he is too young to have been in that service; he is not over twenty-one or twenty-two now.

By the CHAIRMAN:

Question. Is that case in which the man declined to have his name used the last one heard before you?

Answer. Yes, sir; that is the last, except the class of cases in which the warrants have not been returned. There was not any warrant issued in that case.

Question. From the investigations which you have made in these cases, is it your belief that what is known as the Ku-Klux organization is still in existence in that State, and still continuing its operations?

Answer. I am abundantly satisfied of that, but I think it is not in force and operation in all the counties of the State. It is confined to some eight or ten counties.

Question. What counties would you say are the theater of its operations now?

Answer. Chatham, Harnett, Moore, the lower part of Orange, Cleveland, Lincoln, Rutherford, Robeson, and Johnson. I cannot say that there are any complaints from any other counties, or have been recently.

By Mr. BLAIR:

Question. What was the character of the complaints from Robeson County?

Answer. They have not been heard before me; they are tried at Wilmington; they are of the same general nature, riding over the county at night-time in disguise, and whipping, mutilating, and shooting.

Question. Is there not a gang of mulatto outlaws in Robeson County?

Answer. Those, I believe, are not taken into consideration; they are robbers. These cases have no connection with that gang at all.

By Mr. VAN TRUMP:

Question. How many counties are there in North Carolina?

Answer. I believe that now, with the county of Dare added, there are eighty.

By the CHAIRMAN:

Question. Is any effect upon these organizations perceptible since the passage of the act of Congress of last May?

Answer. I cannot say that there is. There has been a great deal of ado about it in the papers; that might have influenced them some; but there is certainly nothing in the law now that was not in the law before to stop them. I have not seen any perceptible difference in their going about in disguise nor in their outrages.

By Mr. STEVENSON:

Question. How do you mean that there has been "ado" in the papers?

Answer. As to the enforcement act as it is called, there were never any remarks made upon it scarcely; that was not called the Ku-Klux bill in the South or anything of the kind. They did not seem to know what that was. But Mr. Shellabarger's bill, when it came up, was a very stringent one and excited the feelings of the conservative classes of the community there very greatly.

Question. By conservative you mean democratic?

Answer. Yes, sir. They call it conservative there where they do not want to be democratic. There are three different classes, and neither one of them wants to be any

other. So they call themselves conservatives. When the Shellabarger bill, which would have been a very effective and very stringent law if enacted, came up, they took exceptions to it, and called it a little the loudest names of anything I ever heard in that section of the country. But when it was cut down to nothing and passed, they did not seem to know it. That is all there is about it.

By the CHAIRMAN:

Question. So far, then, as regards the protection of life and property in North Carolina, you think that they are no more secure under the operation of that law than before?

Answer. If that law had repealed the other law, they would not be as secure.

Question. Had repealed the enforcement act?

Answer. Yes, sir.

Question. How would that follow?

Answer. Because the sixth section of the enforcement act makes the banding and conspiring together and going in disguise upon the public highway, &c., a felony, punishable by fine not exceeding $5,000, and by imprisonment not exceeding ten years. This act makes the offense a misdemeanor, and does not affix any verydefinite penalty to it at all.

Question. Do you mean that this act is not as stringent as the enforcement act?

Answer. I think it is not.

Question. Will not prosecutions of cases under this act be more likely to result in convictions in the United States courts, when the cases reach there for trial, then was formerly the case in the State courts?

Answer. I do not think that such will be the result, at least in the end, if you take both definitions. "You can sue a begger and catch a louse," as the old saying is, and that is all you can do under that bill. The criminal process is not different so far as I can see; and the civil remedy that you give the man is nothing at all.

Question. Will there be as much difficulty in encountering the influence of that organization in the juries of the United States courts as in those of the State courts?

Answer. I suppose you mean in civil cases?

Question. In either civil or criminal cases.

Answer. I apprehend that the juries in the United States courts might be a little better. They are taken from a larger section of country. But the great difficulty is, first, that you cannot identify one of these parties; in the second place, that you cannot get a judgment against them; and in the third place, if you do they will beat you on the execution; this is the most important of all.

By Mr. STEVENSON:

Question. You are speaking of civil remedies?

Answer. I am speaking of the remedies a man has for acts of violence.

By the CHAIRMAN:

Question. I wish to direct your attention more particularly to the criminal prosecution. Would the remedy afforded by this act of Congress be any more effective as against the aid afforded to defendants belonging to this class by their fellow-members in their testimony?

Answer. These men I should not believe. The judge is authorized to administer to the witness an oath as to whether he belongs to any secret organization. There is no oath which any human being could take which would make me believe him, if I believed he belonged to this organization. In other words, if he does belong to the organization, he will say he does not; and if he does not belong to it, you do not know it.

Question. Are we to understand you then as saying, from your investigations into the character of that organization in North Carolina, that you believe a part of its system is to obstruct the administration of justice against its members?

Answer. I do most decidedly. I believe it is a part of their practice as well as their creed to clear each other from criminal prosecutions.

By Mr. POOL:

Question. By what means?

Answer. By any means that may be necessary.

Question. Including perjury?

Answer. Yes, sir; I do not imagine that any of them hesitate to perjure themselves to clear their companions any more than they would to do anything else in the world.

By Mr. VAN TRUMP:

Question. Have you any knowledge on that subject?

Answer. I am only satisfied from testimony that comes before me and the manner in which they do it.

By Mr. STEVENSON:

Question. You say they are now active in the seven or eight counties you have named?

Answer. Yes, sir.

Question. Do you mean to say there is no organization, active or otherwise, in other counties?

Answer. Oh, no, sir; I meant to say simply that I did not know there was any organization there. The chief thing I meant to say was that there were no complaints from those counties which came to me.

Question. Is not the organization of such a character that it may be quiet or active according to the pleasure of its members?

Answer. I should suppose it was.

Question. And be brought out in a night?

Answer. I look for it to pervade all the counties in the coming election for convention. I have no doubt that it will. I have no doubt that the organization will be started again and revived all over the State for that purpose. The only thing that may keep it a little down is that a great many conservatives or democrats in that section of the country are against the convention, on account of the homestead question and some others.

Question. They are against changing the constitution?

Answer. Yes, sir. They are afraid of changing the supreme court rather more than they are of changing the constitution. That is what the democrats are after—the "loaves and fishes."

Question. You do not seem to have a very hopeful view of the future or of the power of Congress to deal with this organization?

Answer. I do not have any at all.

Question. What do you think is the remedy?

Answer. I think the remedy is to hold counties responsible, like they do in any other country; but it ought to be under United States laws.

By Mr. VAN TRUMP:

Question. Striking that clause out of the Ku-Klux bill does not meet your approbation?

Answer. If you had struck out everything except the provision holding counties responsible, I would have been willing to go bond myself for the peace and security of North Carolina, and every citizen of it.

Question. How long have you lived in North Carolina?

Answer. Since 1866.

Question. When you went there, from where did you go?

Answer. From New York.

Question. Had you been a pretty active politician there?

Answer. No, sir; I have not been a politician at all.

Question. Do you belong to the republican party?

Answer. I do.

Question. Do you take no part in politics?

Answer. I vote the republican ticket.

Question. Is that all you do?

Answer. I do not know what you refer to particularly.

Question. Do you take an active part in canvassing?

Answer. No, sir, I do not. I never did it in my life.

Question. I do not mean "stumping" particularly, but using your influence.

Answer. I very seldom go to any political meetings of any kind.

Question. You now hold two offices under the Federal Government?

Answer. Yes, sir; one rather follows the other; they are of the same nature.

Question. Do you wish it to be understood that you take no part in politics except to vote?

Answer. I wish it to be understood that I am a republican; that I have been all my life, and expect to be all my life; that I dislike some of the measures even of the republican party; but I am not disposed to canvass in a political contest, and I have not done it.

Question. Are you on any political committee?

Answer. No, sir.

Question. Do you belong to the Union League?

Answer. No, sir.

By Mr. BLAIR:

Question. Since your residence in North Carolina, has your home been at Raleigh?

Answer. I went to Raleigh in March, 1866, under an order from the Secretary of War, as an officer of the Army, and afterward was ordered to Charlotte; I remained there until I was mustered out, in October, 1867. I was then appointed register in bankruptcy by the Chief Justice, and resided there until August 22, 1868. I then went to

Raleigh. Previous to that time I had been on duty in Raleigh on a court-martial; but my post was at Charlotte.

Question. I understood you as saying that, in your judgment, this organization, the Ku-Klux Klan, or whatever it is, will become very active during the pending canvass there?

Answer. I expressed it as my opinion that it would.

Question. On what ground do you found such an opinion?

Answer. From the antecedents of the organization; from the fact that it has always come up in political campaigns and always quiets down afterward.

Question. In how many political campaigns has it been operating?

Answer. There was the campaign last summer between Mr. Holden and Mr. Manning in that congressional district, and then there was the campaign of 1868—the presidential campaign. They have been to some extent campaigning ever since up in Orange County and some of those counties.

Question. Do I understand you to say that the Ku-Klux organization was active in the canvass of 1868?

Answer. No, sir. You asked me what canvasses there had been, and I mentioned that of 1868.

Question. That the organization had been active during all the preceding political campaigns was mentioned by you as a foundation for your belief that it would be active in the next political campaign; and I asked you in what campaigns it was active?

Answer. I will explain that by saying that, to the best of my information, the organization was first started in 1868 under the name of the White Brotherhood, and another name which I do not remember, besides the Ku-Klux, and that it degenerated or concentrated in the word Ku-Klux afterward or about that time. There are good men that I know of in Raleigh who were members of the White Brotherhood, as it was called—a political organization.

By Mr. VAN TRUMP:

Question. Then it is not true, according to your view, that the Ku-Klux and the White Brotherhood are one and the same thing?

Answer. I think that one is the descendant of the other; that is about all. I think the White Brotherhood was an organization having for its purpose the supremacy of the democratic party; and I think the Ku-Klux organization is the same thing.

Question. Then if any witnesses heretofore, whether in this investigation or a kindred one, have sworn that there were two names, one known to the public and intended by the organization to be known to the public as the Ku-Klux, while the members were known among themselves as the White Brotherwood, it is not true?

Answer. Well, I do not know; but I have heard men who ought to know speak of it. That is all I know about it. I know men who are just as good men as we have in Raleigh, that were in the organization at first, and when they saw that they were disposed to measures which they thought subversive to law they left it.

Question. Which organization do you mean?

Answer. The White Brotherhood. I do not know that there was an organization known as the Ku-Klux in 1868. But I think that the White Brotherhood is that organization now; that the Ku-Klux is the White Brotherhood now.

Question. Do you give as the foundation of your belief that this organization will again be active the fact that it was active heretofore?

Answer. Yes, sir.

Question. Is that the only ground of your belief?

Answer. That and the general character of the organization, their apparent objects, and the manner in which they carry them out; that is the substance of it.

By the CHAIRMAN:

Question. You say you know men in Raleigh who were members of the White Brotherhood, and withdrew from it, or refused to participate in its proceedings, when it assumed a form they did not approve?

Answer. Yes, sir; I am acquainted with some men who, upon its organization, were, I think, leading officers in the institution.

Question. Give us their names.

Answer. John C. Gorman is the chief one; I can say more for him than anybody else. He is a very excellent gentleman—the editor of the Telegram.

By Mr. POOL:

Question. Do you think he has left it?

Answer. Yes, sir; I know he did.

By Mr. VAN TRUMP:

Question. Do you know that he belonged to it?

Answer. He told me that he belonged it; that he helped to organize it in the cam-

paign for Seymour and Blair—the presidential campaign; that it was organized for that purpose; and when they brought forward measures that were afterward followed in a less heinous manner, he left it. He told me he had told them what would come by such measures as that; and that when he went out, a great many others like him went out.

By the CHAIRMAN:

Question. Can you give any other names?

Answer. I cannot say that I know of others so positively as I do of him. I would not like to undertake to state the names of other parties. I know a good many I have seen about there. I live right near where the wigwam stood during the canvass, but I never conversed with anybody about it but Mr. Gorman. Speaking about *alibis*, I would like to state a circumstance that arose in a case from Chatham County—the Howell case, as it was called. One of the witnesses, a colored man, who was found on a pallet in the house of Gilmore, swore that there was another man in another part of the house, a colored man. In the cross-examination the lawyers attempted to make him contradict himself. One of the lawyers asked him the question, "How many men were on that pallet that you were on?" He answered, "One." The lawyer said, "A little while ago you said there were two." Before he could explain, this man, John C. Gorman, sitting beside him and taking a report of the proceedings, heard one of the prisoners say to the other *sotto voce*, "That is a damned lie, because we shot one of them and the other one is here." Yet they proved by two or three witnesses, (they had subpœnaed thirty witnesses to prove *alibis* for all of them)—they proved by two or three witnesses for each man that these men were from three to eight miles away; that they were sleeping with them all night; and that the men were not out of bed during the whole night. When the witness stated that only one man was on the pallet with him, (the explanation was that the other man was in another part of the house,) one of the parties arrested said to the other, "That is a damned lie, because we shot one and the other is here."

By Mr. VAN TRUMP:

Question. Did you hear that expression?

Answer. Mr. Gorman told me of it during the intermission for dinner. He said there was a joke he had about that trial which he would tell me after it was over. I replied that if he had a good joke I would like to hear it. He said he could not tell me till after the trial was over. Afterward he said that if I would not make use of it on the trial he would tell me. I said, "A joke is a joke; of course I will not make use of it." When he told me the matter, I was compromised by my promise and could not make use of the testimony.

Question. It was not testimony at all. You did not swear Mr. Gorman?

Answer. I did not swear him; but I could have sworn him very readily. He will be sworn, or probably has been sworn, before the grand jury. That is an evidence of the manner in which *alibis* are set up in North Carolina.

By Mr. POLAND:

Question. You think that the great difficulty in enforcing this Ku-Klux law, or any law against such outrages, is the inability to prove the acts?

Answer. Yes, sir; the identification of the parties is the great difficulty and to make a jury believe that they were identified in spite of the *alibi* set up.

Question. I understand you to say that, in the first place, the parties go disguised for the purpose of not being known; and, in the next place, people who do know them are afraid to testify against them?

Answer. Yes, sir; when they come before me they speak of it with bated breath, as though they were afraid somebody were behind the door.

Question. And you believe that the men who commit these outrages and their friends will perjure themselves when put on the stand?

Answer. I do; I think they do so very unreservedly.

Question. If the law, instead of being what it is, had provided that the remedy should be enforced against the town or county, how could you get rid of all these difficulties?

Answer. Well, sir, "What is everybody's business is nobody's business;" that is the old saying. If a law were made enforcing the remedy against the county, then a man who was injured or had his property destroyed in the city of Raleigh or county of Wake could sue the county and establish his case; they would not make such a point of the defense; and the prosecution being against the corporation, there could possibly be no *alibi*; the county was there certainly. It is not necessary to identify parties under a law of that kind.

Question. Still the county is not liable unless somebody did the act. If the parties charged with doing the act can prove an *alibi*, there is no liability of the county; is that so?

Answer. My impression of the law and practice is that in 1863, when the mob ruled and almost ruined New York, the parties who sued for damages did not have to prove that any man by name was in that mob, but that a lawless mob, uncontrolled by the police, destroyed their property; and the city was responsible and had to pay for it.

By Mr. VAN TRUMP:

Question. How would such a proceeding punish the criminals?

Answer. I think there would be no trouble about that. If we could get a bill of five or six thousand dollars two or three times repeated against the city of Raleigh, they would find out very easily where the criminals were.

By Mr. POLAND:

Question. Suppose you were required to prove that the mob or the individual who did the mischief did it with a particular intent, a particular purpose; then you would have to prove who the offender or offenders were; would you not?

Answer. If it were only one person, it would not be a mob; if it were only one person it would not be a conspiracy. If there were two or three persons in disguise, there would be no trouble in proving that fact. But the great trouble is to prove who they were.

Question. Suppose that, in order to secure a remedy against the county or town or city, you were required to prove that these men who did the mischief did it for a particular purpose and with a particular intent, how would you prove that?

Answer. I do not think any country would make such a law. I have never known of any such from Alfred's time until now. They might as well leave it just where it is. Mob-law is mob-law, no matter who the parties may be.

By Mr. STEVENSON:

Question. Do they not ordinarily say something in the course of the proceedings that indicates their purposes?

Answer. Oh, yes sir; they say various things. The remark made in the Gilmore case, of which I was speaking, was that "this country was the Southern country and belonged to us; that the Ku-Klux were going to rule it; and that carpet-baggers and Yankees were to be run out of it." They say a great many things that are hardly pertinent to the issue at all, except to show what the *animus* of it may be.

By Mr. POOL:

Question. You mean things indicating their intent?

Answer. Yes, sir; sometimes they do speak of it.

By Mr. STEVENSON:

Question. You said a while ago that, so for as your knowledge went, the men who do these deeds are not men of property?

Answer. They are not generally.

Question. What is your knowledge or opinion, from general information, as to whether men of property do belong to the order or have such an influence over it that they might stop its proceedings if their property were responsible?

Answer. Well, I have no knowledge to base an opinion upon; but we all know that if such men as lead and control, and have led and controlled, the democratic party in the South for the last ten years would take some interest in suppressing the organization, (as they would do in the event of which you spoke, the liability of counties)—if they would undertake to put it down, it would go down. There is no doubt about that. William A. Graham could put down the whole Ku-Klux organization in Orange County. I do not mean to say that Mr. Graham is at the head of it, or that he puts it forward; but I do say that by saying nothing he winks at it.

By Mr. BLAIR:

Question. Do you mean to say that William A. Graham was an old democratic leader?

Answer. No, sir; I mean to say that during the war he controlled the party that fought against the Government. He was a man high in office and had the utmost confidence of the people of North Carolina, and evidently of the departments at Richmond.

Question. Is Mr. Graham under political disabilities?

Answer. Yes, sir; he is as to holding office.

Question. That is the only disability which the law now enforces?

Answer. Yes, sir.

By Mr. STEVENSON:

Question. He is a voter?

Answer. Yes, sir.

By Mr. BLAIR:

Question. If the class of men of which Mr. Graham is one were placed upon an

equality with other citizens, do you not think it would be a great incentive to them to take a more active part in the control of affairs?

Answer. Well, I do not know. I think, under all the circumstances, he might give us a basis for an opinion on that subject. He is a citizen of North Carolina and has property there; it is to his interest to see North Carolina built up and prosperous. If he will invoke the powers that destroy, instead of the powers that build up, it is not a good basis for such an opinion.

By Mr. COBURN:

Question. Have you heard any justification, or pretext in justification, of these outrages?

Answer. I have heard the expression made that the object was to put down the disorders and barn-burnings and immoralities of the people.

Question. By whom have you heard such expressions made?

Answer. By the conservative element.

Question. Have you heard such statements offered by men in justification of those outrages?

Answer. I cannot say that I have heard them offered in justification of the outrages; I do not mean that.

Question. State from whom and under what circumstances you have heard them.

Answer. I have heard a great many, in mitigation more than in justification, state that the present condition of affairs was brought on by the disorders and immoralities of the people—the negroes and the other republicans. It is a universal statement; everybody of the conservative party will tell you so. But just who told me I do not know; nor do I know that I could recall them particularly. I have heard the expression hundreds of times.

Question. Is it ever alleged that this organization is for political purposes? If so, state what those allegations are.

Answer. The republicans generally regard it as a political measure, and the remarks of the parties indicate it. At one time, under the sixth section of the enforcement act, it was held that unless the parties said something about politics it was not a good action.

Question. That that was an element of the crime?

Answer. Yes, sir. I never thought so, and therefore I never required that testimony. But in very many cases, at first, they did speak about the object of the raid they were making—to run off the radicals and carpet-baggers out of the country, and destroy the party organization. That testimony was insisted on by the lawyers, who held that if nothing was said about politics in the matter, the suit was not well brought.

By Mr. POOL:

Question. Said by parties committing the outrage?

Answer. Yes, sir.

By Mr. COBURN:

Question. At the time of the perpetration of the act?

Answer. Yes, sir. I never entertained that opinion of the sixth section; therefore I always refused to discharge a case for want of evidence of the *animus* of the raid.

Question. You mean to say that even if there was no evidence of the *animus* from such expressions about politics uttered at the time of the perpetration of the act, you did not consider the want of such evidence a sufficient ground for the release of the criminals?

Answer. That was my opinion of the law; that to give me jurisdiction it was not necessary to prove that it was a political matter; it was not necessary that there should be evidence of a political object. But the lawyers, during two or three cases, insisted that such a thing was necessary. In that way the inquiry was very often made, and that evidence sometimes brought out.

Question. State whether in your opinion the acts of these persons have succeeded in bringing about a better state of morals and order in that community.

Answer. No, sir; they have not.

Question. What has been the effect of the acts of these combinations of men?

Answer. Well, sir, they have so utterly demoralized the people that they do not have any confidence in the safety of their lives from day to day; many of them live out in the woods. I do not know that the people are more immoral socially than they were before; but the present condition of affairs is, I believe, the result of any attempt to teach people morality by immoral means.

Question. You say people reside in the woods?

Answer. Yes, sir; in Chatham County they do.

Question. In what numbers?

Answer. I do not know the numbers. They come to me and, using very general terms, say that hundreds are sleeping out in the woods at night, and dare not go to their homes; but I have no means of judging whether such persons number twenty or

twenty hundred. I do not know anything about it. When I ask them why they do not come and make report, they say they dare not do it. They are discouraged as they do not get anybody punished, and people go back and are worse off than they were before.

By Mr. BLAIR:

Question. I understood from the tendency of your testimony that you were disposed to hold Mr. Graham (and I presume that by Mr. Graham you meant a class of persons in the State of North Carolina) responsible for the existing state of things, because he and those of his class do not use their influence to put it down—not that you would attribute to them any active participation in the matter. I asked you whether Mr. Graham was suffering under disabilities, and you said he was. My object was to elicit from you an opinion whether in your judgment that class of persons who have heretofore exercised great influence would not take more active steps in suppressing these disorders if their disabilities were removed?

Answer. Well, I do not know why a man should put down crime any sooner by being released from the penalty of a crime himself. If he does so, it is not in accordance with the ordinary rules of nature. I am not disposed to say that it is impolitic at this time to remove the disabilities of those parties; but I think they might show a better disposition toward the Government, toward law and order, to begin with, so as to encourage the Government to remove their disabilities. I think that the present state of the country is a very poor recommendation to remove the disabilities of such men as William A. Graham. He is a gentleman well known there, a man of character, probity and honor, a man whose character has never been assailed. He is universally known there; so is his private character. For that reason I say that a word from him would put down or put up almost anything.

By Mr. VAN TRUMP:

Question. If Mr. Graham is not himself a member of the organization, how can he exercise the influence you speak of, any more than any other man?

Answer. This is a political organization in the interest of the conservative party.

Question. You swear to that?

Answer. I swear that I have no doubt of it, and never did have any doubt of it. If the leader of the party does not know anything about it, it is a very remarkable circumstance.

Question. You think, then, that Mr. Graham is a member of the organization?

Answer. I do not say so.

Question. You think so?

Answer. I do not say so.

Question. What do you think about it?

Answer. I think that he knows all about it.

Question. Do you think he knows anything more about it than you do by your witnessing the effects of it?

Answer. I think he has been in the secret conclaves a little nearer than I have, in closer connection with the order than I have.

Question. Do you know anything about that?

Answer. No, sir, I do not.

Question. You think a great deal, then, on these subjects?

Answer. Well, I have to think a great deal sometimes.

Question. You think Mr. Graham is a man of such supreme power that a simple word from him would put down this lawless organization, as you suppose it to be?

Answer. I do not mean a simple word. I think the party conclaves of such men first started it. They found it was getting a little too hot and a little too heavy to hold them, and they got out of it. Now, while they can accomplish their political purposes by it, and be irresponsible, and say they do not belong to it and do not know anything about it, they let it go on. But I say this: that if there were a fine or penalty imposed on the county of Orange for the hanging of every one of those colored men, that fine would reach the bottom of the purse of most of such men, and you would not hear any more of it.

Question. Then you quoted in sarcasm the saying, "What is everybody's business is nobody's business?"

Answer. I meant that in earnest. I meant that when everybody is assessed *pro rata*, while no one person is fined $10,000, inasmuch as each individual has to pay but a little where they would probably have to pay it anyway——

Question. I do not want to discuss the policy of Congress in striking out the clause making counties and towns responsible. I want to know what is your knowledge in regard to Mr. Graham, or any other gentleman in his position, belonging to this organization. Have you any knowledge on the subject?

Answer. I do not know that he belongs to the organization. I do not think he does.

Question. You think that this institution is entirely a political one?

Answer. Yes, sir, I do.
Question. Are there any loyal leagues down there?
Answer. There was one before it was broken up by the Ku-Klux, I believe.
Question. The loyal league, then, was the precedent of the Ku-Klux—existed before it?
Answer. I have read the ritual of the loyal league——
Question. Do you belong to it?
Answer. No, sir.
Question. Do you know anything about the oath which members of the loyal league take?
Answer. Yes, sir, I have known of it. I never knew a precedent of good to result in peculiar evil. I do not know that the organization of the loyal league is a precedent for midnight assassins.
Question. I do not want your philosophical reasoning on this subject. I simply want to know whether the Union League preceded the Ku-Klux?
Answer. To that question I answer that I presume it was there before the Ku-Klux, undoubtedly.
Question. That was a political institution exclusively?
Answer. Yes, sir; I suppose it was.

By Mr. POOL:

Question. State how the victims of these outrages who were brought before you were injured.
Answer. Those whom I personally examined were injured generally by the whipping, as though they had been struck either with heavy knouts, or ropes with knots in them, or with clubs with knots on them. They were mutilated in the back and arms. One or two had an arm broken, and one a finger broken, and they were otherwise cut.
Question. With what?
Answer. With knives.
Question. How cut?
Answer. One from Chatham County was cut right across the hand with a knife. He said he held up his hand to ward off a blow, but the weapon must have been a knife, because it laid open the flesh down to the cord, and cut the cord partially. Another one was cut in the cheek, apparently with a knife.
Question. Were any shot?
Answer. Yes, sir; six or eight of them have been shot. The most outrageous cutting that I saw was the cutting of a woman, who was cut in her private parts. I did not see the marks, but, according to her statement and the statement of other witnesses, they first cut the hair off her head; then, when she would not furnish a pair of scissors for the purpose, they made her take a pocket-knife and mangle the hair off her private parts, and then they cut her with a knife.

By Mr. VAN TRUMP:

Question. What political objects were to be obtained by such proceedings?
Answer. The driving of the whole negro race out of the country, I should suppose; the disorganization of the people, white and black.

By Mr. POOL:

Question. Would intimidation be produced by such an act?
Answer. I should suppose it would. It would intimidate me so that I would take my gun and follow the trail till I found the whole of them.
Question. You say they did the cutting on the woman with a knife?
Answer. Yes, sir. They gave her the knife and made her cut the hair off, because she would not give them a pair of scissors. When she was in the house they demanded a pair of scissors. She would not give them to them. Then they took her out of doors and cut her hair off for the second time; they had done it about four or five months before. They then whipped her and made her cut the hair off her private parts with a knife, and then they cut her with the knife two or three times—stabbed her with the knife in the same place. I could not ascertain any reason why they did it. She was not living with any white man. She was not doing anything, so far as I could ascertain by the testimony, that would justify it at all. It appeared to be mere fiendishness.

By Mr. VAN TRUMP:

Question. This I understand to be her statement merely?
Answer. Her statement.
Question. You saw no marks and knew nothing about it?
Answer. Her statement was under oath. All the statements I take are under oath.

By Mr. POOL:

Question. Did other witnesses state that they had seen it?
Answer. One witness so stated. Witnesses from that neighborhood who had he
the occurrence—I do not know what their political sentiments were—did not k

any motives for it. They did not know of any motive for this assault upon Essic Harris. Everybody, the lawyers, the parties arrested, and the witnesses testified that Essic Harris was a man of the best reputation, always quiet and minding his own business, and never troubling anybody.

Question. Was he an influential man among the colored people?

Answer. He was a man who evidently had the confidence of the colored people. But I do not think he was a politician, except to vote as his sentiments might dictate. Nobody said a word about his politics one way or the other.

Question. You say there were charges in Chatham County against colored men for burning barns. Were those burnings an attempt to retaliate for outrages committed upon colored people?

Answer. That was supposed to be the case; I do not know whether it was.

Question. Did the burning follow or precede the outrages?

Answer. The burning followed the shooting and whipping of some men there. The only case we had of the Ku-Klux in Wake County was the shooting of a man and the whipping of one.

Question. The burning followed it?

Answer. Yes, sir.

Question. How many men were said to have been present in disguise when this woman was outraged in the way you detail?

Answer. She only swore to three.

Question. How many were present whom she did not know?

Answer. Some ten or twenty; they always go in gangs of ten or twenty.

Question. She identified but three?

Answer. Yes, sir. That is one of those cases in which the warrant was out and had not been returned when I came away.

Question. In the district in which these things happened, that of Mr. Manning, was there not an election in 1869?

Answer. No, sir; I do not know that there was an election for Mr. Manning.

Question. I mean upon the resignation of Mr. Deweese?

Answer. That was in 1870, I believe.

Question. You said that you supposed the White Brotherhood to be identical, (except as to some members who have since left it,) with the present Ku-Klux organization. Did you ever hear anything in that State of the Constitutional Union Guard?

Answer. Yes, sir; I refer to all those organizations; for, until the Ku-Klux organization was distributed throughout the country, there were, as far as I have understood, two or three of these organizations—the Constitutional Union Guard, the White Brotherhood, and, I think, another organization.

Question. The Invisible Empire?

Answer. Yes, sir; there was such an organization in various parts of the country, having for its object the same purpose. They were organized in the campaign of 1868, for political purposes.

Question. You think that those organizations have been changed into the Ku-Klux?

Answer. It was expected at that time, I think, that it should go down after the election.

Question. What did you say was the reason Mr. Gorman gave for leaving the organization?

Answer. He said it was getting too violent in the measures that were being proposed in council. That was the inference I received from his conversation. He said that when they began these outrages, or to propose them in council, then he left.

Question. He did say, then, that the commission of these outrages was proposed in council?

Answer. Yes, sir; that is what I understood him to say; that they were discussed in council. I will state that as an impression rather than as a proposition; I cannot speak definitely. He is a gentleman who was in the confederate army, who was an officer in that army. He acknowledges the "situation," and desires to let it stand in peace and order.

By Mr. VAN TRUMP:

Question. What is his political status now?

Answer. He is a democrat out and out, fighting everything that is not democratic. The most peculiar thing I ever knew of him was his coming out the other day and adopting, as his confession of faith, the speech of Mr. Jefferson Davis at Atlanta.

By Mr. POOL:

Question. He came out in favor of that?

Answer. Yes, sir; very pointedly. He wished every paper in the State would publish it. What his object is I do not know; but I am abundantly well satisfied that he does not mean the sentiments there contained.

Question. State whether any of the witnesses brought before you in any of the cases from Chatham, Moore, and Harnett Counties were whipped on their return home.

Answer. I do not know that any of them were whipped on their return home. This case of Essex Harris they have been trying to compromise with him. They imagine that he has the control of it. They want to get it out of the court, and they have made all sorts of promises and threats to him; they say that they are going to get clear, and if he does not settle it and have the case discharged from the court, they will not promise what they will do after they get through. Persons go to Harris and others and talk to them in that manner in behalf of those who have been arrested. They say that if the case is not settled and discharged from court, they will not be responsible for what will follow. That is about all that has been done or said about it.

Question. Have you ever known or heard that any witness before you has been whipped on his return?

Answer. No, sir; I do not think I have.

Question. When you speak of those things having occurred in some six, seven, or eight counties, do you mean to say anything more than that cases from other counties have not been brought before you?

Answer. Those are about all the cases that have been brought before me from those counties. In fact they have not all been before me. I never had a case before me from Rutherford, Cleveland, or Lincoln.

Question. Do you know whether any cases have occurred over the mountains, in Buncombe and Madison counties?

Answer. I have not heard any complaint from that quarter. I am not acquainted there. If there were any they would be apt to go before other commissioners.

WASHINGTON, D. C., *June* 26, 1871.

WILLIAM R. HOWLE sworn and examined.

By the CHAIRMAN:

Question. Have you lived in the State of North Carolina within the last year?

Answer. Yes, sir.

Question. In what business were you engaged?

Answer. In railroad contracting.

Question. In what part?

Answer. In Chatham County?

Question. How long were you occupied there?

Answer. About nine months; I arrived there the 22d of last September.

Question. State whether, during that time, you were visited by armed men in disguise; and if so, what they did and said.

Answer. In November, just after the election for member of Congress between Manning and young Holden, I was threatened by the Ku-Klux organization several times; told that I had better leave the State and not interfere with North Carolina politics. I paid no attention to it; thought it was only gotten up for show or brag. In fact I had a good force of hands there, and was not afraid of molestation, knowing that I was in the right.

Question. In what manner were the threats made?

Answer. To my men, not to me; they told them that if I interfered with North Carolina politics they would Ku-Klux me.

Question. To whom did they tell this?

Answer. I do not know, but principally negroes notified me that I would be Ku-Kluxed.

Question. Had you any authentic information from anybody upon which you placed reliance?

Answer. Yes, sir. I got it also from one or two whites, Gunter and Kelley. They said they would not be surprised if I was driven off the work for being suspected in my political principles.

Question. Did you take any part in North Carolina politics; if so, what?

Answer. I had gone through the county to get votes for Holden, in opposition to Manning, the democratic candidate. I did not regard their threats, however; but on my return from a visit to Virginia, my foreman told me the Ku-Klux had been there.

Question. Who was your foreman?

Answer. Mr. Hull. When I got back I found my hands very much disturbed and alarmed; I could not get them to work. I had had twenty-five or thirty at work, but the number was reduced at last to six or seven. I told them not to be alarmed, that I was back with them. I supposed it was mere fright. On the night of the 29th of April, about 3 o'clock in the morning, I was aroused by heavy firing about a quarter or half a mile from the shanty where I was sleeping. I had been sleeping in the woods previously, in consequence of these apprehensions. Mr. Kelley had been sent for by my foreman to assist him in keeping off the Ku-Klux. He told me it would be unsafe for

me to sleep in the house. So from that time till the 29th I slept out; but on the 29th I ventured to sleep in the shanty. When I heard the firing I remarked to my foreman, who slept with me, that the Ku-Klux must have come. We got up, went across the railroad, and found our hands scattered about in the woods, lying in the underbrush that had been cleared from the track. There was a deep cut just there, and we got around on the side nearest to where the firing was. We heard the tramping of horses, and went off among the bushes and lay down, not wishing to be seen by the Ku-Klux. They came on hurrahing and yelling, forty or fifty of them, in disguise. They said they had just cleaned out one house; that this was a Ku-Klux country, and they would be damned if the Ku-Klux would not control it; all they wanted now was to drive the damned Yankee contractors off their work, and then they would have possession; that if they caught them they would hang them to the nearest tree they could find; and their stock should be killed. From their yelling and carrying on in that way I thought they must have been intoxicated.

Question. Where were you at this time?

Answer. I was just beyond the cut, some two or three hundred yards, lying down in the woods, about twenty feet from them.

Question. What further was done?

Answer. After they struck the railroad cut they turned down the track and took a road that ran off into the woods. I saw no more of them that night. The next morning I went over to where the firing was heard. There I found that two negroes had been whipped, one white man, and three women, and that a negro had been shot. They told me it was done by this party of Ku-Klux that I saw coming away. There seemed to be three divisions of them; one party went toward Jonesboro, one toward Egypt, and the other toward my shanties, in the direction of Harnett County. My track was near the junction of the three counties, Chatham, Moore, and Harnett, about a mile from the Moore line, and five or six from the Harnett line. The next day was Sunday, the 30th. I went to Locksville and reported the circumstance to J. T. Moffet, magistrate, and asked him for protection for my property. He told me he could not give it to me. I have his certificate of the fact at my room.

Question. What reason did he give?

Answer. He said he did not have the power to summon a posse of men to guard the work.

Question. Did you ask him for protection for your work?

Answer. No, sir; protection for my stock and myself.

Question. Did you know any of the persons that were there that night?

Answer. Yes, sir; we arrested some of them. After I returned on Sunday I sent my mules off in the country to a neighbor's to keep them from being shot. I also sent my child, fearing that they would burn my shanty during my absence during the night. I then proceeded to Raleigh with one of the party that was whipped, and carried him before United States Commissioner Shafer, when he swore out a warrant against some ten or fifteen of the party. I was appointed special deputy marshal by Shafer, went back to Chatham County, and arrested three of the men; the others ran and got into the woods, and I could not catch them. I caught two of the three men in the woods—Caberniss and Clark. I found that I could not complete my railroad contract, so I went to the company and asked them to settle with me, holding back 20 per cent. This they refused to do, and my contract remains unfinished.

By Mr. BLAIR:

Question. On account of their holding back 20 per cent., or what?

Answer. The contract is that they shall retain 20 per cent. until it is complete; but they refused to make any settlement whatever.

By the CHAIRMAN:

Question. Do you feel at liberty to go back there and prosecute your work?

Answer. I would if I could; I got a gentleman to go on and complete it, but I understand he has not struck a lick on it.

Question. Do you feel safe to go back?

Answer. No, sir.

Question. For what reason?

Answer. For fear I would be killed by this party. My life would be unsafe. I asked a gentlemen here to-day from that county if he thought it would be safe for me to go and finish the contract, and he said he thought not. I am not afraid of going there in the day-time. In fact, I am going where my work was done to try to get some settlement; but I am afraid to be there at night.

Question. Were these men armed?

Answer. Yes, sir; I saw some shot-guns.

Question. Did they do you any further injury than speak to you and say what you have related here?

Answer. They said I would have to leave the work, that I could not stay there.

Question. Did they offer you any personal violence?

Answer. No, sir; I kept hid; I staid in the swamps.

Question. On the 29th of April did any of them speak to you in person, or have you stated what you overheard?

Answer. This is what I overheard while I was in the bushes.

Question. Was any inquiry made for you?

Answer. They rode up to my shanties, but all my negroes were out in the bushes. I could not get a negro to stay about the shanties, nor could I get many of them to work for me.

Question. For how long a time was that the case?

Answer. For a fortnight before I left.

Question. What is the effect produced in that neighborhood, so far as you have observed, by the fact of these men riding armed and in disguise at night?

Answer. I think the whole of it is done for the purpose of keeping the negroes and white republicans from voting.

By Mr. BLAIR:

Question. Was there any election at the time?

Answer. No, sir; but it generally commences two or three months before an election. They have an election in North Carolina in August. They operate in the counties where they have nearly a tie vote.

Question. How do you know they generally do that? How long have you been there?

Answer. Nine months.

Question. Were you there at an election?

Answer. Yes, sir, at the Holden and Manning election, and I know previous to that the Ku-Klux were more numerous. Old citizens, republicans, have told me that has always been their rule.

By the CHAIRMAN:

Question. What is the effect of these outrages upon the sense of security enjoyed by the people?

Answer. The republicans feel particularly unsafe; they are afraid to talk politics at all; you can seldom get a white republican to express his opinions. I only know two in the whole neighborhood I was in, in parts of the two or three counties; they said they were republicans, but were afraid to have it known.

Question. Did you go into the country among the people there?

Answer. Yes, sir; I bought feed of them, had business transactions with them, and knew a great many within twenty miles around.

Question. Were there any other occurrences of this kind during the time you were there?

Answer. I heard of several.

Question. Did you make sufficient inquiry to satisfy you of the fact?

Answer. I did inquire of parties who told me such was the fact.

Question. What was the nature of the occurrences?

Answer. A colored woman told me she had been Ku-Kluxed above Egypt, and very badly whipped.

Question. What was her name?

Answer. Frances Gilmer. And I have heard of their Ku-Kluxing a man by the name of Henderson Judd.

Question. How recently?

Answer. Last fall. He lived about ten miles from my shanties, over the other side of the Haw River.

Question. What was the nature of the injury?

Answer. They took him, another old gentleman, and a colored woman, and kept them out all night. In a day or two afterward the old white man and the colored woman died. I forget their names. They took $10 from Mr. Judd.

Question. Did you see any of the parties?

Answer. I did not. Captain Bennett will tell you about them.

By Mr. POOL:

Question. What did they do to them?

Answer. I did not hear what they did, except that they kept them walking all night, and that a day or two afterward two of them died from fatigue and exposure.

By Mr. COBURN:

Question. Was not the name of the white man who died Hance?

Answer. Yes, sir; that was it.

By the CHAIRMAN:

Question. Are these all the cases you heard of about which you made inquiry and became satisfied of the fact?

Answer. Yes, sir; I do not know of any more that I would vouch for the truth of. I have heard of others by rumor through the county.

Question. Are there any other facts that you can give as bearing upon the manner in which the laws are executed there, or upon the security of person and property?

Answer. I do not think any loyal man's life is safe in Chatham, Moore, and Harnett Counties.

By Mr. BLAIR:

Question. What do you mean by a loyal man?

Answer. A man willing to accept the situation with the amendments to the Constitution.

Question. You do not think any such man's life is safe?

Answer. I do not, unless he keeps it to himself. When no one knows his politics he would be safe.

Question. A republican means a loyal man?

Answer. I know a great many democrats that are loyal.

Question. How can they live there?

Answer. They are not found in that portion of North Carolina; in Virginia I know a great many that are loyal.

Question. A loyal democrat could not live there, could he?

Answer. It would depend upon how far his loyalty went. If he said very little about politics he might.

By Mr. VAN TRUMP:

Question. Do you mean that a democrat cannot be loyal?

Answer. In that part of North Carolina, I have met with none that I considered loyal.

By Mr. BLAIR:

Question. You have a very high standard of loyalty?

Answer. I have heard them curse and abuse the Government, curse the national flag, the President, and Congress.

Question. Do you consider it as disloyal to curse the President and Congress?

Answer. I should, to curse the Government generally. I have heard them say they hoped the day was not far distant when they would be free and independent—free from the Yankee Government.

Question. Whom did you hear say it?

Answer. I have heard a great many say it.

Question. Give us the names?

Answer. I drove stock from Virginia to Chatham county, North Carolina, and on the road, or when we were in camp at night, heard a great many who were strangers to me say it.

Question. Then all you have heard so express themselves were strangers?

Answer. I heard I. N. Clagy, of Chatham County, and John N. Scott, of Haywood, Chatham County, say so.

Question. Whom else?

Answer. A man by the name of Perham, of Locksville, and a great many others whose names I do not remember.

By Mr. VAN TRUMP:

Question. Was the language directed toward the Government or administration?

Answer. Toward the Government and administration; toward the Government generally. They regarded it as being in the hands of a set of thieves.

Question. Did not damn the Constitution, did they?

Answer. Yes sir; said there was no Constitution, and that the Government was now controlled by mob law. That is the general impression there.

By Mr. STEVENSON:

Question. Were such expressions so common that when you heard them you could not accumulate the names?

Answer. If I did I should always be asking the names, and would have to carry a book to set them down in.

Question. Do you mean to say such sentiments are prevalent in that region?

Answer. I do.

By Mr. BLAIR:

Question. Sentiments adverse to Congress?

Answer. Adverse to the Government, the Congress of the United States, and the Constitution as it stands to-day.

By Mr. COBURN:

Question. Will you state what was the beginning of your trouble, what was the cause of it?

Answer. In the first place, there was a gentleman from Richmond got ahead of me a week or two at work on his contract on the road, and he reported all through the country that I was an irresponsible party and that I had been forced to leave Richmond on account of my political principles. He poisoned the minds of his men against me, and I found when I got there that my contract had been let to another party, I having been detained about ten days.

Question. Had you made any political speeches there?

Answer. I did do so.

Question. State about that.

Answer. To do so I must state that the negroes found out that I was a republican from this man's reporting it; so, some ten days before the election in November, they came out and serenaded me, and I made a speech. I advised them on the day of election to go to the polls and support the republican nominee, and if they had any sick or disabled men I would send my carts and haul them to the polls to vote. After that I was threatened by the Ku-Klux. I afterward went to Raleigh and made a speech there. At that time my credit in Raleigh was good for any amount of goods I wanted. That very day I had paid a commission merchant there some $400, nearly all I owed him, and had ordered another bill of goods. But when he found out my politics he said the republicans were a very dishonest set, and he preferred that our business transactions should cease from that day. He refused to send the goods I had bought.

By Mr. BECK:

Question. What was his name?

Answer. William C. Stronach.

Question. You say you had just paid him a bill that day?

Answer. Yes, sir; about $400; and made another bill of goods, which he refused to send, and did not send. I owed him then about $42.

Question. Your credit being good, and he knowing it, refused the goods simply because you were a republican?

Answer. I had business transactions with him from the 1st of October up to the 6th of April, and I had always paid him. I have his bills receipted to the amount of $1,800 or $2,000.

Question. That was the only objection?

Answer. The only objection he assigned.

Question. That was the day you made the political speech?

Answer. I made a speech that night, and this was the following morning. I asked him if any goods had been shipped, and he told me no; and that was the reason he assigned for not shipping them.

Question. That was all the reason he assigned?

Answer. That was all I know of. My credit was good up to that time. I then came back through Raleigh, going from there to Richmond on a vessel, carrying my wife home. I also went on business, intending to sell a farm and buy property in North Carolina. I was going on to arrange for the purchase when I was arrested at Raleigh on a warrant as an absconding debtor.

Question. Sworn out by whom?

Answer. By Stronach.

Question. Why didn't you pay the $42?

Answer. After he refused to send the goods he wanted the balance paid. I told him I would settle if he would compare my bills with his books. He claimed that I owed him $81, and I claimed it was only $42.

By Mr. VAN TRUMP:

Question. Didn't that occur before he sold you the goods?

Answer. No, sir; it occurred afterward. I went into the store that night to settle the $42. I told him, "I am sure there is one honest republican in North Carolina, and I came down to compare my bills with your books, and we will settle." He remarked to his partner, "We must settle by the books." I remarked to him that I did not owe but $41 or $42, and that I was willing to pay. He said, "I will see that I get it all before you leave Raleigh." The next morning he had me arrested. At that time my stock of railroad implements, mules, and carts were still at work on the railroad.

Question. Was the property in that county?

Answer. No, sir; Raleigh is in Wake County, adjoining Chatham.

By Mr. COBURN:

Question. What was the value of the stock and implements?

Answer. From $1,500 to $2,000. I had not left the State; my child was at the shanties, and all my hands were there. I was going back into Virginia for the purpose of returning and making an investment in North Carolina.

By Mr. VAN TRUMP:

Question. Was not the warrant in the nature of an arrest as a non-resident debtor?
Answer. No, sir; as an absconding debtor.

By Mr. BECK:

Question. Has the case been tried?
Answer. Yes, sir.
Question. What is the result?
Answer. Proceeding quashed by Judge Watts.
Question. Has the money been paid?
Answer. No; the account stands open.

By Mr. STEVENSON:

Question. You mean the question is undecided whether you owe him ——
Answer. Forty-two dollars or $81.

By the CHAIRMAN:

Question. Did you sell your property in Virginia, and invest in North Carolina?
Answer. I did not. I went to Virginia for that purpose, but my foreman wrote me about Ku-Kluxing, and I was afraid to make the investment. I thought I would go back and see what was the matter before I did make the investment.

By Mr. POOL:

Question. Was not the proceeding against you as an absconding debtor quashed for the reason that it was not a proper case for such proceeding?
Answer. Yes, sir; and the judge stated to my counsel that I could bring an action againt the plaintiff for false arrest. He reprimanded the magistrate for issuing the warrant.
Question. Has any legal proceeding been taken by the firm since to collect the debt?
Answer. No, sir.
Question. How long ago was that?
Answer. The day after Easter; I think it was the 11th of April.
Question. Did you suppose the proceeding was taken for the purpose of giving you trouble?
Answer. I did not think it was anything else. It was started for the purpose of ruining me on the railroad contract, and they have succeeded in doing it.
Question. It was part of a general plan?
Answer. It was part of a general plan.
Question. Have you been back in North Carolina since that time?
Answer. Yes, sir.
Question. Have you had property there upon which an attachment could be levied by regular proceeding in case you left the State?
Answer. Yes, sir; I left all my property there when I returned to Virginia, and it remained there until I was forced by the Ku-Klux to sell it.
Question. Do you know that by the laws of North Carolina a man may be imprisoned for a debt, when it is alleged he has absconded?
Answer. I am aware of that fact.
Question. And that in ordinary processes to collect debts there is no imprisonment?
Answer. Yes, sir. I stated on my oath on the trial that I regarded North Carolina as my home, and that I did not intend to leave it; that I had all my stock and implements there, and that all my family but my wife were then in the State. I lost $2,200, and was forced into bankruptcy by the affair.

By Mr. BECK:

Question. When did you first go to North Carolina?
Answer. On the 22d day of September, 1870.
Question. As a contractor on a railroad?
Answer. Yes, sir.
Question. What was the extent of your contract?
Answer. I had a section of a mile that I completed on my first contract; then I did a piece of work on two other contracts; got a good deal of timber and railroad ties.
Question. Where did you go from?
Answer. Richmond, Virginia.
Question. How long had you been a citizen of Richmond?
Answer. I was born and raised there.
Question. Had you lived there up to the time you left?
Answer. Regarded it as my home; I had lived in Missouri.

Question. How long had you been living in Richmond?
Answer. I went back from Missouri in 1857, and remained in Richmond all the time.
Question. What business had you been engaged in in Virginia during that time?
Answer. I practiced law there previous to the war; then I went into the confederate army, and remained in it till the surrender of General Lee, or till I was released from Fort Delaware; after that I went into contracting.
Question. Where—in Missouri?
Answer. No, sir; in Virginia. I went to Missouri in 1855, came back in 1857, practiced law till the breaking out of the war, was in the confederate army during the war, and then went to contracting in Virginia. My first contracts were to cut new streets in Richmond. I held them some two or three years. Then, when the democratic party came into power in the State, I was the lowest bidder for a sidewalk contract in 1870, but they threw my bid out. I could have got securities for half a million if I had wanted them.

By Mr. VAN TRUMP:

Question. You say here that you could do it?
Answer. Yes, sir; I could do it to-day.

By Mr. BECK:

Question. You had been employed under the republican administration of Richmond?
Answer. Yes, sir. One of the commissioners who awarded me the contracts is here.
Question. You complied with all your contracts?
Answer. Yes, sir.
Question. And were the lowest bidder in 1870?
Answer. Yes, sir.
Question. And the democrats would not give you the contract?
Answer. Yes, sir; and I was the lowest bidder last week, Tuesday, for the same kind of work, sidewalks.
Question. Did they give it to you?
Answer. No, sir.
Question. Are you living now in Richmond?
Answer. No, sir; North Carolina is my home, but I contract wherever I can. I do not know, though, where my precise home is.
Question. What time in 1870 was that contract?
Answer. Some time in the latter part of June. They generally let them out so that the contractors take possession of the work the 1st of July.
Question. You remained in Richmond till September, 1870?
Answer. No, till August. I went to Petersburg and dug out a large foundation.
Question. When did your first trouble about politics come on in North Carolina?
Answer. I began receiving threats as soon as I took ground for Holden in the election in November.
Question. What time was that?
Answer. It was an election to fill an unexpired term in Congress. Mr. Dewees had resigned, or had been expelled, and the election came off in November?

By Mr. VAN TRUMP:

Question. You went there in September, and began to take an active part in politics the next month?
Answer. Yes, sir.
Question. At what time did you address a meeting?
Answer. Some week or ten days previous.
Question. Who composed the meeting—all negroes?
Answer. Negroes and white men.
Question. Who attended the meeting you addressed at Raleigh?
Answer. Negroes and white men, mixed.
Question. Who invited you to address the meeting?
Answer. I was invited by several parties there, by a gentleman named Freeman.
Question. White?
Answer. Yes, sir; and a gentleman named Miller.
Question. Whatever side of politics you espouse you are pretty fierce, are you not?
Answer. No, sir; I never made an incendiary speech in my life. I have made a good many republican speeches.
Question. Did you pitch into the whites pretty strongly?
Answer. No, sir, I never did; I did into the democratic party pretty strong for their inconsistency, but never into the white race.
Question. The white race there was generally democratic?
Answer. Yes, sir, most of them.

By Mr. STEVENSON:

Question. You are a white man?

Answer. I am one of the best families of Virginia; have had two relatives in the White House—that is as much as almost any man can boast of—President Tyler and General Washington. I sprang from the branch of the family that the Lees, Custises, and Parkes did.

By Mr. BECK:

Question. Were you first threatened before or after the election?

Answer. Before, but after that speech.

Question. What was the date of that speech?

Answer. Somewhere about the 1st of November.

Question. Who threatened you?

Answer. I received a good portion of the threats through the negroes, but some white republicans also came and told me.

Question. These threats were after you made that speech, which was ten days or so before the election?

Answer. Yes, sir; it might have been longer.

Question. Was not the difficulty this: that the negroes told you you would be Ku-Kluxed if you talked that way? Was not that the extent of it?

Answer. No, sir.

Question. Did you not say in answer to a question of the Chairman that the only threats came from the negroes, who told you you would be Ku-Kluxed if you talked politics?

Answer. No, sir; I said I got information through the negroes and through some whites.

Question. What did they tell you?

Answer. Several gentlemen told me if I did not mind the part I took in politics, I would not be able to complete my contract; that I would be forced to leave it, or be whipped if I remained there.

Question. Was that the extent of the threat?

Answer. Yes, sir, at that time; but then I did not regard it as of any importance.

Question. Was that the statement made to you there by negroes or white men, that if you did not quit interfering with North Carolina politics you would not be permitted to complete your contract?

Answer. Yes, sir.

Question. Beyond that you were not threatened at that time?

Answer. Let me state further that——

Question. No lectures. That is the extent to which you were threatened at that time?

Answer. I would like to make an explanation.

Mr. STEVENSON. I think the witness has a right to make the explanation.

Mr. BECK. If it is limited to the question.

WITNESS. It will be limited to it. The people of that section of the State regard every man from a northern State as a foreigner, and they do not like him to meddle in their politics. They tell him he shall have nothing to do with North Carolina politics.

Question. That is all the explanation?

Answer. That is all; that is the feeling of the people.

Question. From that time till after you went to Virginia, in April last, were you ever interfered with by anybody; if so, in what way?

Answer. Yes, sir; I kept continually receiving these threats.

Question. What were they?

Answer. Just about the same threats.

Question. That if you did not quit interfering with——

Answer. With North Carolina politics, I would have to leave the State; that they had had carpet-baggers enough down there, and didn't want any more of them.

Question. Beyond that general statement, you had not been interfered with up to April last, in your work or in any other way?

Answer. The negroes dropped off, and I found great difficulty in getting hands. I paid 10 cents more a day than any other contractors on the road. I brought some hands from Virginia, and others I got in North Carolina. They informed me that they were afraid to work for me; that they were threatened to be Ku-Kluxed if they did.

Question. With that exception, you had not been interfered with?

Answer. No, sir.

Question. Other contractors could get plenty of hands at 10 cents less than you?

Answer. Plenty of them.

Question. That was the condition of things until April last; no Ku-Klux or body of disguised men had ever visited you in any way up to that time?

Answer. I heard through my hands that they had once passed through my shanties at night.

Question. They did not interfere with you or your men before April, however?

Answer. No, sir.

Question. If they had passed through the premises they had done no harm?

Answer. No, sir; I think it was the general rule with them if they had a spite against a man, to first pass through his premises or to meet him. I do not know that to be the fact, but it is what I have heard.

Question. In April last, when you went to Virginia, the information you received from whites and blacks, that it would not be safe for you to interfere with North Carolina politics all came from your own friends?

Answer. Yes, sir, from republicans and colored men.

Question. No Ku-Klux nor men unfriendly to you had spoken to you up to that time?

Answer. That is a very hard question to answer, from this fact: There were a great many democrats who came to borrow teams to plow their ground, and I invariably loaned them; they would——

Question. But no unfriendly man had ever spoken to you in person up to April?

Answer. No, sir; but the difficulty seems to be this——

Question. Is that the fact?

Answer. I want to answer it in this way: A party who appeared to be friendly to you to-day, would be your bitterest enemy under cover of the night.

Question. But no person unfriendly to you had spoken to you?

Answer. None apparently unfriendly.

Question. When did you start for Virginia, and when did you return to North Carolina?

Answer. I started, I think, on the 10th of April, and returned about the 18th or 19th.

Question. When did you first see men in disguise?

Answer. On the night of the 29th of April, or rather about 3 o'clock in the morning of the 30th.

Question. Repeat again what you heard and saw.

Answer. I was in the bushes, and was about twenty feet from them, when I heard them say that they had cleaned out one damned Union hovel, and they intended to make the damned Yankee railroad contractors leave their work; if they didn't, and if they got hold of them, they would hang them to the first tree they could find; and if they didn't find them, they intended to kill their stock.

Question. To whom were they talking?

Answer. Talking to themselves. They seemed to me to be intoxicated. I do not think sane men would have carried on in that way—yelling, firing pistols and guns. Some of them had double-barrel shot-guns.

Question. Their conversation was from one to another?

Answer. Yes, sir. Just where my shanties were is a lonely place. The nearest house besides the one they attacked was a mile and a half back from my shanties; there was another house some four or five miles off, and then in two different directions you would not find a house within ten miles.

Question. They did not find your shanties?

Answer. No, sir.

Question. Did they destroy your stock that night?

Answer. They did not.

Question. Did they do any damage to your place?

Answer. Not that night; the next morning I took the precaution to send my stock away.

Question. So that it never was injured?

Answer. No, sir.

Question. Your stock were there that night?

Answer. Yes, sir; and I have no doubt they would have injured them but the day was too close at hand. They make it an invariable rule to get in before daylight.

Question. They were within three hundred yards of your shanties?

Answer. Yes, sir.

Question. And it was about 3 o'clock?

Answer. I think it was a little later; about 2½ or 3 o'clock I heard the alarm of shooting, and I do not think it was more than half an hour from the time they rode away, when I went back to my shanty, and there, on looking at my watch, I found it after 4 o'clock, and day was about breaking.

Question. You remaining out long enough for them to be entirely out of reach?

Answer. Of course I did.

Question. It was then not quite 4 o'clock?

Answer. It was a little after 4 when I got into my shanty.

Question. There was nothing to prevent them from destoying your stock except that it was too near day, as you conjectured?

Answer. That was the only thing.

Question. Your stock were perfectly at their mercy, being all there?

Answer. They were, and my little child was there. The Ku-Klux did not know what I had in the woods; they had the impression some way that my men were armed, and they threatened to have me arrested for keeping my negroes armed.

By Mr. VAN TRUMP:

Question. How many where there of these Ku-Klux?

Answer. Between forty and fifty.

By Mr. COBURN:

Question. Were your men armed?

Answer. I think there were some that had muskets about the shanties.

Question. You immediately went to Raleigh, informed the United States commissioner of the fact, and obtained a warrant?

Answer. Yes, sir; I took along a man whose back was lashed till the blood trickled to his heels.

Question. You arrested three men; are they in custody now?

Answer. Two of them are; one has given bail. One of them has confessed; that is, when the witness swore that there were two negroes present, the man remarked that that was a damned lie; there were three present, for he shot one.

Question. What are the names of these three persons?

Answer. James Caberniss, Frank Clark, and Mitchell.

Question. Which one gave bail?

Answer. Clark.

Question. Which one confessed?

Answer. Caberniss.

Question. What is the name of the man that was whipped?

Answer. Samuel Gilmer.

Question. After that you did no more work on the road?

Answer. I did not.

Question. The railroad company refused to settle with you or pay you?

Answer. Yes, sir.

Question. Where is the company's office?

Answer. The chief engineer's office is in Haywood, Chatham County; he is the man that has to give me my drafts.

Question. Did you apply to him for settlement?

Answer. Yes, sir; he gives drafts on the treasurer at Raleigh.

Question. He refused to settle with you?

Answer. Yes, sir; I asked him to withhold the twenty per cent., and he refused to do that.

Question. What was the reason assigned?

Answer. He said he had had trouble enough with work on the road, and did not intend to have any more. The piece of work I was doing had been contracted for by Colonel Henderson, and he had failed to complete his contract. I then had the work to do, and had completed it nearly; I could have finished it in four weeks more. I asked Colonel Sanford to send the assistant engineer and measure it; he did come and measure up my work, and made up my estimate; but when I went to the chief engineer's office to settle, Colonel Sanford told the assistant engineer it was not worth while; that he would not pay any money on the work till it was completed. This was my regular monthly estimate, to which I was entitled by the rule of the road. Colonel Sanford had the right to pay me, reserving the twenty per cent. until the work was completed.

By Mr. STEVENSON:

Question. Did he know that you were then about to give up the work?

Answer. I carried a gentleman with me from Locksville who offered to go my security for the completion of the work.

Question. A gentleman that he knew?

Answer. Yes, sir; a Mr. Bynum; he knew him well.

Question. Did he know you were about to quit the work?

Answer. I stated that I had been forced to leave my work by the Ku-Klux organization, and that I wanted to settle up in some way, so as to go off on another road and take a contract where I would not be in danger of life and property. He told me he could not pay me anything.

By Mr. BECK:

Question. That is the only time that disguised men, or Ku-Klux in any form, ever troubled you that you ever saw?

Answer. My foreman said they came there when I was in Richmond and drove him off.

Question. But that was the only time they ever troubled you in person?

Answer. That is all.

Question. The other case of which you spoke you know nothing about personally?

Answer. No, sir.

By Mr. POLAND:

Question. What was the amount of your monthly estimate?

Answer. At that time it would have been $400 or $500; but my force had been reduced from as high as thirty to fifty down to eight or ten.

By Mr. VAN TRUMP:

Question. How many had you when the Ku-Klux came?
Answer. Ten or fifteen then; after that it got down to six.

By Mr. STEVENSON:

Question. About what time was it that they passed through your shanties?
Answer. I think that was about the last of January or first of February.

By Mr. BECK:

Question. Then you did not see them?
Answer. I did not.
Question. You heard they had been seen there?
Answer. Yes, sir.
Question. The truth of that you do not know?
Answer. I do not.
Question. When did you make your last political speech?
Answer. I do not remember the date.
Question. About what time?
Answer. I think it was about the middle of March, just before the municipal election in Raleigh; that came off about the 1st of April.
Question. It was bearing upon the municipal election only?
Answer. Yes, sir.
Question. There was no general election in the State or county where you did the work?
Answer. No, sir.
Question. Where were you when you were summoned to appear here?
Answer. In Richmond on a visit.
Question. Did you inform the committee that you desired to be summoned?
Answer. I did not.
Question. Did you ask any one to inform them that you desired to be summoned?
Answer. I did not. I told Colonel Shields what had transpired in North Carolina.

By Mr. VAN TRUMP:

Question. Who is he?
Answer. United States commissioner in Richmond.
Question. When did you enter the confederate army?
Answer. In May, 1861.
Question. About the time Virginia went off?
Answer. Yes, sir.
Question. Did you enter as volunteer?
Answer. As volunteer.
Question. What rank?
Answer. Private.
Question. You believed in the right of secession?
Answer. I voted against secession, and voted for Lincoln as President.
Question. You say you have the blood of Washington and Lee in your veins; state your connection with them?
Answer. General Lee is connected with the Custises, and we would be about fourth cousins; I could not trace it back completely.
Question. You do not understand the genealogy?
Answer. Yes, sir; I have it at home in a book.
Question. How long did you serve in the confederate army?
Answer. Until Kirby Smith surrendered. I was confined six weeks in the Old Capitol, and eight months in Fort Delaware, making nine months imprisonment altogether.
Question. Where did you go when released?
Answer. To Virginia.
Question. When did you change your politics?
Answer. I never changed them; I voted against secession, and for Lincoln.
Question. The first or second time?
Answer. The first time; the second time I could not vote. I came here a prisoner the day he was inaugurated the second time, and passed up Pennsylvania avenue. I have always been an old line whig, and opposed to slavery; though I owned slaves, I thought it was wrong.
Question. Why did you volunteer?
Answer. I had a family, and could not well leave them; and if I did not volunteer I would have been conscripted. I did not choose to be conscripted; I would have fought till I died before being conscripted. I was brevetted for hard fighting and gallantry, and appointed commissioner in the navy by the confederate government.

Question. The Ku-Klux that you saw were armed, you say?
Answer. I saw some with double-barrel guns.
Question. You had only eight or ten negroes?
Answer. I had only six at last.
Question. How many white men?
Answer. Only one, the foreman.
Question. Then if these disguised men had wanted to injure your stock they had the opportunity to do it?
Answer. Yes, sir; if they had had a knowledge of the condition of things; but I do not suppose they knew it.

By Mr. BECK:

Question. You made a report of all the facts to the United States commissioner at Richmond?
Answer. I told him in ordinary conversation what they had done.
Question. Did you seek him for the purpose of making a report?
Answer. I did not. I generally visited the office every day, sat down there and read the papers. It is the firm of Chandler, Moulton & Shields, of Richmond, and Chandler, Moulton & Culver, of Washington.
Question. You gave the information to whom?
Answer. To Colonel Shields.
Question. Has there been any election in North Carolina since April, when you made your last political speech at Raleigh?
Answer. No, sir; but it was understood if I remained in North Carolina that I should take active ground against the constitutional convention. I intended to go back and work against the proposition to call a convention to change the constitution.
Question. That is to be voted on when?
Answer. In August.
Question. You think the trouble was, they knew you expected to come back and take part against the proposed change?
Answer. They were afraid I would do that, and they knew the opposition was great.
Question. You think that was one reason of the trouble?
Answer. That was one reason, I think, why they were anxious to get me out of the State.
Question. The Ku-Klux never came to your cabin nor searched for you at any time after that?
Answer. I understood that the only reason they did not Ku-Klux me before was that I had my family with me.
Question. That you heard from a friend?
Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. How did you learn it?
Answer. Really, I do not know. Your strongest friends in the day-time are your enemies at night; they will drink toddy with you in the day-time, and Ku-Klux you at night.
Question. In 1861 was there any idea of conscription?
Answer. I do not know what the idea of the confederate government was, but I stated to the members of my company that if we did not go in we would be forced in; that if Virginia did not furnish her quota of troops she would be compelled to do it.

By Mr. STEVENSON:

Question. When you saw this band how far were you from your shanties?
Answer. Three or four hundred yards in a direct line; but there was a deep cut, fourteen hundred feet long, and to reach the shanties they would have had to ride around that, which would make the distance perhaps a quarter of a mile. They rode nearly to the end of the cut, and then went off in a by-path.
Question. How did you know?
Answer. I saw them turn off.
Question. How near to your shanties on that ride did they go?
Answer. They were about four or five hundred yards from them at that point.
Question. Was it generally understood in the neighborhood that your men were armed, and would make resistance if your property was taken?
Answer. I have heard some parties say since the occurrence that that is why they did not attempt it sooner; that when I had a large force of hands they were afraid to come. I never put arms in the hands of my negroes, and never advised them to take arms. I have never kept powder and shot, except a little for my own use for bird-hunting.
Question. Did you express to any person a disposition to defend your property?
Answer. When threatened I would say, very well, if they wanted to come I should

protect myself; I had thirty or forty negroes and would do the best I could to defend them, as I had a right to do.

By Mr. POOL:

Question. You were asked what you meant by a loyal man; will you give us distinctly your definition of the term?

Answer. I mean by loyal men those who accept the Constitution with the amendments, as it now stands—those who respect the Government and the Constitution; not those who simply indorse the present administration. When I first went into North Carolina, I heard many damning the Government, the Constitution, and the flag, and saying that as soon as the legislature met they intended to impeach Governor Holden any way.

Question. Did you hear any opposition expressed to the right of suffrage conferred by the Constitution upon the colored race?

Answer. I did; I heard them repeatedly damn the negro, say he should not vote, and that they intended to keep him from the polls.

Question Are those the class of people you term disloyal?

Answer. Yes, sir.

Question. Are you a native of Virginia?

Answer. I am.

Question. Were not Manning and Holden running in November, 1870, for the vacancy caused by the death of Judge Gilman?

Answer. I think so; it was not Deweese.

Question. He had been elected at the August election previous and had died?

Answer. Yes, sir, that is so.

Question. The negroes and white republicans told you you would be Ku-Kluxed; did you mean to say that they threatened you?

Answer. No, sir; they did not threaten.

Question. They told you in friendship?

Answer. Yes, sir.

Question. Were any of your hands interfered with by the Ku-Klux?

Answer. They dropped off working, and when I inquired the cause of it, they told me they were afraid they would be Ku-Kluxed.

Question. Were they threatened?

Answer. They must have been threatened in that way; they told me repeatedly that they heard the Ku-Klux were coming after them.

Question. What is the name of the railroad superintendent?

Answer. Colonel C. O. Sanford.

Question. What is his politics?

Answer. Democratic.

Question. Was the passing through your camp by disguised men a well-understood intimation of a threat?

Answer. It was generally so understood in that country.

Question. Was it their habit first to go and show themselves as a warning prior to committing acts of violence?

Answer. That I believe is the general way of doing things. The night the Gilmers were Ku-Kluxed they went to the house of an old man, Jim Gunter, who lives about a mile and a half from Gilmer's, waked them up, and asked them if they had ever seen the Ku-Klux. They told them they had not. Then they made them open the door, went into the house, kindled a fire, and said "Look, we are the Ku-Klux." That is what Gunter's daughter told me when I went and inquired about it.

Question. Is it likely that a member of the order would come openly, face to face, without his disguise, and make a threat?

Answer. He would not.

Question. Did you ever know a threat made in that way?

Answer. Never.

Question. Can you state whether there is any terrorism among the people generally produced by the operations of the Ku-Klux?

Answer. There is a great deal among the colored republicans.

Question. Are there many white republicans?

Answer. There are a great many, but they are afraid to be known.

Question. There would be a good many but for this fear?

Answer. If they could go to the polls and vote freely.

Question. To what extent does this terrorism prevail; do the people sleep in their houses?

Answer. A good many sleep in the woods.

Question. To what extent?

Answer. To a considerable extent. Being myself tired of sleeping in the woods I sent for a republican friend, Hugh Kelley, who lived about three miles from my shanties, to come down and see me. He came. I told him I wanted to stay at his house

that night. He told me to come. I went there and took supper. He thought it would be a little unsafe to sleep in the house and that we had better sleep in the barn. He was actually afraid if he protected me he would be burned out. So we slept in the barn in the straw. We had a double-barrel gun.

Question Did they ever destroy any of your property?

Answer. No, sir, I never gave them a chance; as soon as they threatened me I sent it off. It was only injured by being hurriedly carried about.

Question. Does that condition continue up to this time?

Answer. It did up to the time I left Chatham County.

Question. When was that?

Answer. About six or eight weeks ago.

Question. What information have you since you left?

Answer. I heard one gentleman say he believed if I went back now since the United States troops had made these arrests it would be different, for I had done more to quell the disturbance in Chatham County than anybody who had been there.

Question. Why did you go to make these arrests?

Answer. I was appointed special deputy marshal by United States Commissioner Shafer.

Question. Do you know anything about the witnesses who appeared before Commissioner Shafer being attacked by the Ku-Klux when they returned?

Answer. I will state this, that the old woman who was Ku-Kluxed had been selling whisky to the neighbors to help support herself, for the country is so poor that without some means of that kind some of the people would be almost starved. She had been selling liquor for years and no one had ever molested her; but since her return as a witness they have had her arrested for selling liquor.

By Mr. BECK:

Question. Has she been selling it illegally all the time?

Answer. She never kept more than a gallon at a time.

Question. She had no license?

Answer. If she had none she would not have been molested, and was not molested till after this proceeding by the Ku-Klux.

By Mr. VAN TRUMP:

Question. Is she a white or black woman?

Answer. White.

Question. Was she not a very bad character?

Question. Nothing except I have heard it said she was not a virtuous woman. I heard it said that all my railroad tools would be traded for whisky. I did lose one or two shovels and picks, and I searched for them two or three times. I never found but one shovel and that was in her yard. As soon as I found it she told me to take it and carry it home.

By Mr. POOL:

Question. Have you heard of any prosecution on account of lewd proceeding?

Answer. None.

By Mr. BLAIR:

Question. Did the lack of virtue have anything to do with the disappearance of your tools?

Answer. None that I know of. I suppose one of my negroes left the shovel in her yard till he should return the next morning, and that he never came back.

By Mr. POOL:

Question. You found the shovel in the yard?

Answer. Yes, sir; she said it was left there by a negro going home.

Question. It was not concealed?

Answer. No, sir.

Question. Have you heard of any of these witnesses being whipped since?

Answer. I have not.

Question. On the night the Ku-Klux came near your premises you say it was near daybreak when they left; how far did they have to go before they would come to any house in the nearest direction?

Answer. About a mile and a quarter.

Question. Did they barely have time to get home before day?

Answer. They would barely have had time; if they had stopped at my shanties to commit any depredations daylight would have caught them before they could have reached any house.

Question. What is the name of your foreman?

Answer. E. A. Hull.

Question. What occurred when he was visited by the Ku-Klux?

Answer. I was in Virginia then.
Question. How did he explain it to you?
Answer. He told me they came there on Sunday night well armed. He had some seventeen or eighteen colored men, and sent for Hugh Kelley.
Question. Who is he?
Answer. A republican in the neighborhood.
Question. The Ku-Klux were there in force and in disguise?
Answer. Yes, sir; he said they were.
Question. What did he say they did?
Answer. Nothing except to ride through the shanties and threaten.

By the CHAIRMAN:

Question. Mr. Hull is here is he not?
Answer. Yes, sir.

WASHINGTON, *June* 26, 1871.

EDWIN A. HULL sworn and examined.

By the CHAIRMAN:

Question. Are you the foreman employed by Mr. Howle, on the railroad in North Carolina, in April last?
Answer. Yes, sir.
Question. State what knowledge you have of a visit by men in disguise; what they said and did.
Answer. On the night of the 29th of April last a body of disguised men came there, about three o'clock in the morning, which would be the 30th. I heard them coming and suspected what they were. I stepped aside into the bushes, saw them pass, and heard some conversation between them as they passed. A portion of the conversation was, that they intended to drive the damned Yankees out of the State, all of them—or words to that effect; that they intended to drive these damned railroad contractors off the road, having reference, I suppose, to Mr. Howle and myself. Some few days previous to that they had visited the premises.
Question. How long before?
Answer. About a week.
Question. How many of them?
Answer. I did not see more than four or five of them.
Question. How many were there there at the time, according to your best information?
Answer. I presume that was all that were right there.
Question. How were they disguised?
Answer. I was not close enough to state how, but I could see their faces were hidden by some mask or disguise.
Question. Were they on foot or horseback?
Answer. On foot.
Question. What did they do?
Answer. They came around the premises, apparently acting like spies, to see if they could find any of us there. They appeared to be looking for Mr. Howle, myself, or some of the hands.
Question. Did they say anything?
Answer. I was not close enough to hear what they said. I was some little distance off.
Question. Go on and state what occurred on the 29th of April.
Answer. I could state some facts as told to me by others, but not of my personal knowledge.
Question. Did you see the persons yourself?
Answer. Yes, sir; I saw the persons who said they were outraged—saw them on the same day, Sunday morning.
Question. Go on and state what you saw and heard.
Answer. I saw the company of disguised men on horseback. I heard the firing and supposed it was something of that kind. In the morning Mr. Howle and myself went and got the statement of facts. The old widow lady, about 60 years of age, stated that they took her out of bed, threw her on the floor, and whipped her. I saw the marks where she said she had been beaten, and had been shot by a pistol ball in her right limb. While prostrate on the floor she said one of them kicked her in the head, and I saw blood on the floor that she said came from the wound. They also took her daughter and served her pretty much in the same manner. Another young widow lady there was whipped, and also some colored men on the premises. Two of them were whipped, and one, I understood, was mortally wounded. I saw him, and afterward heard he died from the effects of the wound.

Question. What kind of a wound?

Answer. A shot in about the center of the back. The ball appeared to have come nearly through his body. I asked them if they knew any of the parties, and they said they recognized a few that they could positively swear to. Her son, about eighteen or nineteen, was also whipped. He went to Raleigh and swore out a warrant against those parties that the different members of the family said they could positively identify. I assisted to make the arrest of three of them. They were brought before the United States commissioner at Raleigh and sent to the circuit court or held to bail in the sum of $2,000 or $3,000 each. Since then I have understood that the balance whose names were on the warrant have been arrested.

Question. Did you state what you heard them say that night?

Answer. Yes, sir.

Question. Did they make any threats against you?

Answer. They said they intended to drive these damned Yankee contractors off the railroad. That I supposed had reference to Mr. Howle and myself.

Question. How were they disguised?

Answer. I could not say exactly, but I saw none but what were disguised in some way or another. Their heads were covered, and the bodies of some of them, apparently with some dark cloth, calico or something of the kind, and some of them had on tall caps.

Question. Were their faces masked or covered?

Answer. Yes, sir.

Question. Were they on horseback or on foot?

Answer. On horseback.

Question. What was probably the number you saw?

Answer. I should judge from twenty-five to fifty.

Question. Why were you out at that time of night?

Answer. Because I had heard this firing over at the widow lady's house and I suspected what it was. So Mr. Howle and myself started to see what was the cause of so much firing, howling, and disturbance.

Question. Was it on your way there that you met them?

Answer. Yes, sir.

Question. Where were you sleeping that night?

Answer. In my railroad shanty.

Question. Had you slept there before that?

Answer. Oh, yes; I was accustomed to sleep there, but for a few nights previous to that I had not slept there.

Question. For what reason?

Answer. Because they had continually threatened us from the time we came there, and for about a week before this outrage the threats were so strong that I apprehended trouble and danger.

Question. In what manner did these threats reach you?

Answer. On one or two occasions some white persons unknown to these parties, who had worked for us before—some of our old hands—told our hands what to tell us; that we had better leave the railroad; that they intended to drive the damned Yankees away; that if we did not leave in such a time they would Ku-Klux us and drive us away. I asked them who it was that sent such word. They said they did not know who they were; some white men that they did not know.

Question. Had there been any violence inflicted upon persons in the community in that manner before?

Answer. Yes, sir, I had heard of several cases.

Question. Did that lead to an apprehension on your part of danger from them?

Answer. Not particularly until they had sent us word.

Question. When they sent you this word, were you then apprehensive that you would be visited in the manner that others had been?

Answer. Yes, sir.

Question. What effect had that kind of violence upon the colored people in the neighborhood; did they feel any sense of security, or were they alarmed?

Answer. They were alarmed. I have heard them say it was a very dangerous country for either white or black republicans to live in, and they were not going to live any longer than till they could get out of it. I heard a great many make that remark.

Question. Did you hear any word of command given to this company of horsemen?

Answer. Well, sir, I do recollect any; I heard more than I can recollect.

Question. Have you given us a statement of all the facts as you now remember them?

Answer. Yes, sir; I believe so.

By Mr. POOL:

Question. State the character of the outrage to the daughter.

Answer. I stated the character of the outrage upon the old lady; the others were similar to that.

Question. What was done to the daughter?

Answer. She stated—and I even saw the marks—that she had been whipped on her body and limbs. She also stated—which I did not see—that while she was prostrate on the floor, one of them lit a match, and burned the hair off from her private parts.

Question. Was she cut with a knife in any way?

Answer. It appears to me she said she was, but I am not positive.

Question. You said there was a widow there also?

Answer. Yes, sir, a young widow lady.

Question. What was done to her?

Answer. She was taken out of bed, and thrown on the floor and whipped in pretty much the same manner as the others; and she was told by the captain of the party that she must leave there the next night, or in a very short time, and if she was not gone by that time, they would come back and kill her.

By Mr. BECK:

Question. What kind of a place was this; was it a house of ill-fame?

Answer. Not that I know of.

Question Was not that the reputation the house had?

Answer. No, sir; I cannot say that that was the general reputation. If it was I was not aware of it.

By Mr. VAN TRUMP:

Question. If any witnesses have stated that fact they were mistaken?

Answer. No, sir; I do not say they were mistaken; it may have been so; but, if it was, it must have been so private that I did not know anything about it.

By Mr. BECK:

Question. Whites and colored people were all mixed up that night, were they not, in the house?

Answer. That I could not say; the three colored men were on the premises.

By Mr. VAN TRUMP:

Question. Have you never heard that fact stated—that there were negroes there that night with these women?

Answer. No, sir; not that they were there with these women.

By Mr. BECK:

Question. They were at the house?

Answer. Yes, sir.

Question. Who kept the house?

Answer. The old widow lady.

Question. What ostensible means of support had she outside of what she could make out of her business with the other girls?

Answer. Well, sir, she cultivated small pieces of land about the house; had a garden and a small cotton-field.

Question. Sold whisky?

Answer. I believe she did; in fact, I know it.

Question. Had no license?

Answer. That I could not say.

Question. Ever hear of any?

Answer. No, sir.

Question. Has she not been indicted for selling whisky illicitly?

Answer. Yes, sir; so I have understood.

Question. Don't you know she was selling without license and in violation of law?

Answer. I do not know it; I have heard it.

Question. Didn't you hear that these women were of bad character?

Answer. I heard so after these parties were arrested and they appeared as witnesses against them.

Question. Was it a common place for whites and blacks who felt like going to go?

Answer. I have seen both races there to get whisky.

Question. The other branch of it you are not familiar with?

Answer. No, sir.

By Mr. BLAIR:

Question. What was alleged as their offense?

Answer. In their statement to me they said that these disguised parties told them they would teach them better than to uphold this damned Yankee Government; gave them ten days to leave, and if they didn't leave they would come back and burn the house.

Question. Did you think they were whipped on account of their politics?

Answer. That is the statement they made to me; I could not say further than that.

Question. In what way did they take part in politics? Did you ever hear?

Answer. Well, I believe I have heard that, regardless of any persons, they often stated that they thought a good deal more of the Yankees than they did of the rebels; such conversation as that.

By Mr. VAN TRUMP:

Question. You say when you heard the howling and noise at that woman's house you started to go there and met these disguised men?

Answer. Yes, sir.

Question. Did they see you?

Answer. I do not think they did.

Question. Were they in the road?

Answer. Yes, sir; we heard them coming and stepped out of the road.

Question. Is it not the fact that all the violence they did that night was on these women, and all they did at your shanties was to see what they wanted to see?

Answer. That was previous.

Question. They did not come clear down to your shanties?

Answer. Not clear to them; they passed by the shanties at some distance.

By Mr. BLAIR:

Question. Do they consider Virginians as Yankees down there?

Answer. Yes, sir; I have often heard them call native Virginia people and natives of other Southern States carpet-baggers and foreigners.

Question. Call them Yankees?

Answer. Yes, sir; I have heard them call them Yankees.

Question. Even those who had been in the confederate service?

Answer. Yes, sir; I am not acquainted with the particulars of that fact so much.

Question. Mr. Howle was in the confederate service?

Answer. Yes, sir; so he says.

Question. You never heard a man designated as a Yankee who was from Virginia and in the confederate service?

Answer. Yes, sir; I have heard him oftentimes called a Yankee and carpet-bagger.

By Mr. STEVENSON:

Question. It is a general term of reproach—Yankee—is it not?

Answer. Yes, sir.

Question. How near the shanties did they come that night?

Answer. About one hundred and fifty yards, I suppose.

Question. Did they go on the main road, or take a side path?

Answer. They did not take the public road, I think, but a by-road through the woods.

Question. A branch of the road you were on?

Answer. Yes, sir.

Question. Had they not appeared once before and just passed through?

Answer. Yes, sir; I believe they did.

Question. Had you not heard so?

Answer. Oh yes, sir; but I could not swear to the fact positively.

Question. Where are you from?

Answer. I am a native of New York State.

Question. You are a Yankee, then, in the fair acceptation?

Answer. Yes, sir.

Question. Were you under any apprehension of violence from these men?

Answer. Yes, sir.

Question. When did you begin to feel that apprehension?

Answer. More or less, as soon as I saw the depredations they were committing close by and received word that they were going to give us a call, which was a week or two previous to the outrage on the widow lady.

Question. How serious were your apprehensions? What did you do?

Answer. It finally got so that I thought it was dangerous to sleep at the shanties, consequently I slept in the woods several nights previous to leaving there.

Question. How did the hands behave?

Answer. They were frightened a great deal more than we were; they got so they would not work at all. They would sleep in the woods and work in the day, but finally they would not work at all, or scarcely any—perhaps one or two men would work a little.

Question. How many men had you before these threats began?

Answer. I kept the time-book, but I cannot recollect exactly. We worked, as near as I can recollect, from fifteen to forty or fifty hands.

Question. How many did you aim to work?

Answer. We could and would have worked at times, I suppose, seventy-five men if we could have got them.

Question. Had you the force of animals and tools?

Answer. Yes, sir; we had tools to employ that number.

Question. Was there anything to prevent your getting that number if there had not been this trouble?

Answer. That, in my opinion, was one reason; another great reason was, other contractors above and below us would work a large force, and a great many hands were working on the farms and plantations.

Question. You spoke of the effect upon the hands; did they seem to think of this only at night?

Answer. They thought of it and talked of it days; it was their main conversation while at work.

Question. You mean they seemed to be talking and thinking of it all the time?

Answer. Not all the time—only for a short period of time previous to our leaving.

Question. After it got hot did it seem to be on their minds all the time?

Answer. Oh, yes, sir, so much so that some of the hands that we brought from Richmond said at different times that they could not work there any longer—that they were not going to be in danger of their lives continually, for the sake of a little money, when they could go back to Richmond and earn as much without being in danger.

By Mr. VAN TRUMP:

Question. Those negroes were from Richmond?

Answer. Some of them; we had a few hands from Virginia, the balance were from North Carolina.

Question. Was there any difficulty about the right of way with this railroad company?

Answer. I am not aware that there was.

Question. Was there any complaint about depredations by negroes upon the people connected with the railroad?

Answer. I cannot say I ever heard of any, particularly.

By Mr. STEVENSON:

Question. There was nothing in that neighborhood to depredate upon?

Answer. No, sir, I do not think there was.

By Mr. VAN TRUMP:

Question. This railroad ran through a pretty extensive country?

Answer. Yes, sir; it was to run from Raleigh to Cheraw, South Carolina.

By Mr. STEVENSON:

Question. You were right in the pitch-pine woods?

Answer. Yes, sir; some forty miles from Raleigh.

Question. No considerable settlement near you?

Answer. Not nearer than six or seven miles.

Question. Where did the Ku-Klux that you arrested come from?

Answer. Those we arrested were within a space of two or three miles from our works in Chatham County.

Question. Those that your processes were against, where did they belong?

Answer. In the same county; the same neigborhood.

Question. It was the nearest settlement to your works?

Answer. Yes, sir.

Question. What class of people did they belong to politically or otherwise; those that were charged and arrested?

Answer. As for their reputation any way, I am not acquainted with it.

Question. Do you know whether they were men of property?

Answer. I do not.

Question. Did you see any of them?

Answer. I saw the three that I assisted to arrest.

Question. About what age were they?

Answer. I should judge from twenty to thirty years of age.

Question. Do you know whether they were men of family?

Answer. Two of them I believe were married.

Question. How as to those who were charged?

Answer. They were generally men of families.

Question. Do you know whether others that were charged were men of property?

Answer. I think most of them were men of some little property, but to no great extent.

Question. I mean real property?

Answer. Yes, sir.

Question. Have you been about there since these arrests were made?

Answer. No, sir.
Question. Have you heard from there?
Answer. Yes, sir.
Question. In communication with the people about there?
Answer. Yes, sir.
Question. What effect has it had?
Answer. I understood from a gentleman who lately came from Chatham County that some of these parties who were charged have since been arrested, and that the old widow lady has been indicted for selling liquor without a license.
Question. What effect has it had on the general public sentiment; has it made any improvement?
Answer. I understand the generality of the people there have become to some extent embittered against the authorities for causing these arrests to be made.
Question. Do you understand that they are mad because these people have been prosecuted?
Answer. Yes, sir; that is the understanding I have.

By Mr. POOL:

Question. Do I understand you to say that they call republican strangers Yankees?
Answer. Some do; I believe that is a general term.
Question. Used as a term of reproach?
Answer. Yes, sir; I believe it is.
Question. Do they call the Government a Yankee Government?
Answer. Yes, sir.
Question. And those who support it Yankees?
Answer. Yes, sir.
Question. How far from your shanties was this outrage committed?
Answer. I suppose it was about half a mile.
Question. You said you were not able to tell the general character of the house or those who kept it?
Answer. No, sir.
Question. Are you a stranger in that community?
Answer. Yes, sir.
Question. How long had you been there at that time?
Answer. Upwards of ten months I think.
Question. Did you mix with the people very much?
Answer. Not very much.
Question. You heard the charges against the character of the parties outraged since the persons who were charged with it were arrested?
Answer. Yes, sir.
Question. Have you heard of any whipping of negroes in Chatham County previous to that time?
Answer. Yes, sir.
Question. How many cases?
Answer. I do not recollect the particulars or the number of cases, but I heard of several.
Question. As many as twenty?
Answer. No, sir; I think not.
Question. Is there any state of terrorism among the colored people in that county as far as you observed?
Answer. Amongst a certain class of them I believe there is.
Question. What class?
Answer. Those who vote the republican ticket.
Question. Did colored men in that county to any extent vote the democratic ticket at the last election, if you know?
Answer. I do not know, but I understand several of them did.
Question. Do you know whether or not many refrained from going to the polls at all?
Answer. I know of a good many that did not go.
Question. It is those who voted the republican ticket, then, that are afraid?
Answer. That is the way I understand it.
Question. You said that some of your hands told you that white strangers would come to them and send messages to you that you had better leave the railroad; were they Virginia hands that brought the messages?
Answer. No, sir; not all of them.
Question. How far were your works from Orange County?
Answer. I do not know; during the time I was there I made railroading my business, and refrained from any other as far as possible, consequently I am quite ignorant of the county boundaries, &c.
Question. Did you stay most generally at your shanties?
Answer. Yes, sir; nearly all the time.

Question. Have you heard of any democratic contractor on that road being disturbed by the Ku-Klux?
Answer. No, sir.
Question. Or of their hands being threatened or disturbed by them?
Answer. No, sir.
Question. Have you heard of their being disturbed by any other party, either themselves or their hands?
Answer. No, sir.
Question. Have you heard of any outrages upon the witnesses that appeared before the United States commissioner under these arrests?
Answer. No, sir.
Question. How long since you were in North Carolina?
Answer. I think I left two or three weeks after this outrage, on the 29th of April, and I have not been there since.
Question. After Mr. Howle left was there an attack made upon you by the Ku-Klux?
Answer. Yes, sir; but that occurred previous to his leaving the last time. It was during his absence at Richmond, when I saw four or five disguised men around the premises at night.

By Mr. BECK:

Question. Did you state what they did?
Answer. Yes, sir.
Question. They did not do any harm?
Answer. No, sir; they committed no outrage.

By Mr. VAN TRUMP:

Question. You said there was a certain class of negroes who were afraid to go to the polls to vote. You state that as a fact?
Answer. I said I knew of those who said they were afraid—at least refrained from going to the polls to vote.
Question. You say there are some democratic negro men, too?
Answer. Yes, sir.
Question. What is your knowledge as to whether those are or are not afraid to go to the polls—whether or not they are threatened by the republicans?
Answer. I have never heard anything in regard to that.
Question. Are there many democratic negroes there, or only a few there?
Answer. These are facts that I could not positively swear to, but I understand there are some few—not a great many.
Question. You never heard any statement from anybody that they were at all interfered with by their brethren of the republican persuasion?
Answer. I never have.

By Mr. POOL:

Question. Did the parties arrested for this outrage give bonds?
Answer. No, sir; they were remanded to jail.
Question. In Raleigh?
Answer. Yes, sir.
Question. Have they given bonds since?
Answer. One of them, I understand from a gentleman from that place, who is now here, has done so.
Question. What is his name?
Answer. Clark.
Question. Do you know whether he has since left the State?
Answer. I have not heard.

By Mr. VAN TRUMP:

Question. I understand you to say that the country around your portion of the railroad is wild, and few persons live there?
Answer. Very thinly settled.
Question. And you seldom left the shanties?
Answer. Yes, sir.
Question. How, then, do you know that the negroes were afraid to vote?
Answer. Because hardly a day passed but some colored people were passing up and down the railroad, principally to get work.
Question. How did the matter of voting come up in conversation between you?
Answer. Oftentimes I used to hear them bringing the question up in conversation with the hands who were working for me.
Question. Did you ever attend the polls at an election?
Answer. Not in North Carolina.

Question. Then all you know about it is the fact that negroes casually passing along announced that they were afraid to vote?

Answer. Yes, sir; I have heard that fact stated.

By Mr. POOL:

Question. Did you try to hire those men to work for you who were passing along the road?

Answer. Sometimes. It would depend upon the situation of our work; if we wanted hands we would hire the first that came along.

Question. Did they ever tell you they were afraid to work for you?

Answer. I do not recollect in regard to that. I made a statement in regard to that awhile ago, that the hands we had employed said they considered their lives in danger and were going back to Richmond.

Question. I speak of those passing up and down the railroad?

Answer. No, sir; I never heard them say anything about being afraid to work for us.

WASHINGTON, D. C., *July* 1, 1871.

ELIAS BRYAN sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you live?

Answer. In Hayward, Chatham County, about the center of the State of North Carolina.

Question. How long have you lived there?

Answer. I moved there from Edgecombe, in 1840; I have lived there thirty-one years.

Question. Are you a native of the State?

Answer. I was born in Edgecombe. My health failed in that country, and I moved to Chatham.

Question. What is your business?

Answer. I am a farmer. I have contracted a good deal in the course of my life; but for the last ten or twelve years I have been nothing but a farmer. I own a mill; but farming is my principal occupation.

Question. Do you reside in a town or village?

Answer. Yes, sir; I live in the village of Hayward.

Question. How much population has that village?

Answer. I suppose there are not exceeding thirty or forty voters.

Question. It is a small place?

Answer. It is a largely laid-off town; but it has never been built up. Its area is some two hundred and fifty acres, I reckon; but it is scattered about.

Question. We want to ascertain as well as we can the condition of things in your community—whether any offenses or unlawful acts are committed, which are not punished, and by whom they are committed.

Answer. Well, sir, there have been several outrages committed in my neighborhood; so says report. I hardly ever leave my yard; but my neighbors come to me, and tell me of these things; and all I can communicate is hearsay.

Question. You have such information about it as satisfies you it is true?

Answer. Yes, sir; I think so. The first case I will mention is the Judd case—the burning of a school-house; it is put down as a church. I have had a great deal to do myself with churches and school-houses. This school-house was burned.

Question. Where was that?

Answer. On the edge of Moore County, on the Cape Fear River, about twelve miles below where I live.

Question. When was that burned?

Answer. I think perhaps some time last fall, or about Christmas. I cannot recollect dates or names like I used to.

Question. State what you understood about the burning of that school-house.

Answer. Well, I understood that perhaps some gentlemen went there disguised. I do not know anything about them. There was a gentleman there by the name of Dicken, who they thought was doing wrong. They took him and made him go with them to burn the house. I asked Dicken last week in Raleigh who burned that house, and he told me he burned it.

Question. What did he tell you about it?

Answer. He said that these men carried him there and made him burn it.

Question. Were these men in disguise?

Answer. Yes, sir; they were disguised; so he stated.

Question. How many were there?

Answer. He did not state how many there were; I suppose some ten or fifteen.

Question. Was there a school kept in that house?
Answer. There had been.
Question. What kind of a school?
Answer. A colored school.
Question. Was Dicken a colored man?
Answer. No, sir; a white man.
Question. Did he teach the school?
Answer. I do not know whether he did or not.
Question. That you say is the first of these cases that you remember to have heard of?
Answer. Oh, no; that is not the first; there were others. Perhaps there is one that led to this matter that I might name; but I was thinking, as that case had been before you, and as the parties had been tried and convicted, it was not necessary to name it.

By Mr. BECK:

Question. Which case was that?
Answer. The burning of Mimms's barn. The burning of that barn led, I think, to the burning of this house.

By the CHAIRMAN, (Mr. POLAND:)

Question. Let me first inquire about the burning of the school-house. Who built that house?
Answer. I suppose the colored people in the vicinity built it. It is out of my county. I had two or three built in my township. But this was in Moore county, and I do not know who built it. But I am inclined to think the colored people built it.
Question. Do you know whose land it was built on?
Answer. No, sir; I do not know whether Mr. Dicken owns any land or not; I cannot say.
Question. What did Mr. Dicken tell you about the circumstances of those men coming and taking him with them? How did they get him?
Answer. They took him from his home; I do not know but he said they took him and his wife.
Question. Did they take him out of bed?
Answer. No, sir; he did not tell me anything about that. He said they took him from home.
Question. And they compelled him to set fire to the house?
Answer. That is what he stated in the presence of Mr. Judd and three or four others, in Raleigh, week before last.
Question. Did he know the men?
Answer. That will require me to make a statement. There is a young man by the name of Smith, another by the name of Fuquay, another by the name of Douglass. These, with Mr. Dicken, were all arraigned for the burning of this house; and I think Mr. Dicken is set aside as a State's witness. These other three men, when I left Raleigh, were liable to go to jail unless they gave security.
Question. The three men, other than Dicken, were a part of the gang, as he says, who compelled him to set fire to the school-house?
Answer. Yes, sir.
Question. Did these men do any violence to Dicken, except compelling him to burn the house?
Answer. I think not; I won't be positive.
Question. Do you know of any other cases of burning of school-houses, or anything else?
Answer. Well, there was an academy burned in the town of Hayward, about two hundred yards from me; but I think it was a mere accident. We had a great many railroad hands there, and I think it was a simple accident. I lost three houses.
Question. Refer to any cases where houses were unlawfully burned.
Answer. As I said, I had three houses burned; but I don't think it had anything to do with this matter. One of my houses was a large barn, worth, I suppose, about $2,500. I think it was burned by some mischievous person. I had, also, a toll-house burned, and a house on the plantation. I never judged any black men or any of these disguised men for these burnings. It might have originated in this way: Mr. Hester came to my house. Nobody would aid these people, and whenever anything would happen they would come to me. They were recommended to me by some gentleman in Raleigh, perhaps Governor Holden. They would come to me and want, perhaps, a horse. I, of course, would let them have a horse; and sometimes they would want a wagon. During this time my barn was burned. Who did it, what it was done for, I cannot say. I censured nobody with it. It was insured, and I got the insurance. That is the only house that I can recollect that was burned, except the school-house, and also Mimms's barn, for which the parties were tried and convicted.
Question. Have there been persons killed in your county or vicinity by bands of men within the last year?
Answer. Not that I know of. I do not know that any person has been killed. Har-

ris has been shot; but I suppose he can make a better statement of that than I can, because he is the man that was shot, and knows all about it. I know very little about it, except what he told me.

Question. No person's life has been taken, so far as you know?

Answer. There was the case of Mr. Howle, a contractor on the road, and Mr. Hull, (who I suppose, gave in their evidence,) and Mrs. Gilmore, where they went and perhaps shot a boy and whipped the whole family, I believe.

Question. When was that?

Answer. I think that was about the latter part of last April.

Question. Did you understand that that was done by a body of men disguised?

Answer. They said they were disguised.

Question. You spoke of the case of Mr. Harris. When was that?

Answer. I think it was about last Christmas.

Question. What did you understand was done to Harris?

Answer. A parcel of disguised men went to Mr. Harris's.

Question. Where did he live?

Answer. About ten miles above me. They went there first and took away his gun. A night or two, or a short time afterwards they came back and shot in the house very often, knocked round, and finally cut down his door, as I think he states to me, and perhaps hit him with some seven or eight shots. About the time they went to enter the house he fired, and he said he thought he hit a couple of men. One man was shot that night; I don't know that he was the man. This man lived ten or fifteen miles from Harris; but he had a little grogshop between Harris's and his home. Harris shot the fellow in the side, and one shot went over and hit a man in the eye, and put out his eye. He said it was put out by a fish-basket. The other man said the Ku-Klux shot him. Those men were arrested and taken before the United States court at Raleigh. There were six in that crowd arrested and sent there. In the case of Buchanan there were four or five.

Question. State all they did to Harris?

Answer. They shot him and he shot them.

Question. He fired back?

Answer. Yes, sir. That is all I know about it.

Question. And it is supposed that he wounded one or two of them?

Answer. Oh, yes; he thinks he hit some. He can tell you about that.

Question. They give a different account as to how they got their wounds?

Answer. Yes, sir; they give a different account. I live in the neighborhood, and hear both sides.

Question. Are you acquainted with Mr. Harris.

Answer. Yes, sir.

Question. He is a colored man?

Answer. Yes, sir. I have known him twenty-five years.

Question. What is Harris's character?

Answer. Good. I know the man who raised him—William G. Harris, a neighbor of mine. He says his character is just as good as any man's.

Question. For what did you understand this attack was made upon him?

Answer. Well, sir, since I have got here, I have questioned Harris a little on that question. Said I, "Harris, I want to find out what these men came to your house for." He said, "My brother-in-law had to leave the neighborhood, and he had four barrels of corn that he asked me to take care of. I would not put it in my house until I went to see Mr. Finch." Harris lives with Mr. Ned Finch, a mighty correct old bachelor, who lives about ten miles above me. Finch told him to put the corn in his house; and he did it. That night they came. It may have been that this boy owed them something, or something was wrong there. I cannot see anything else. I never knew that until day before yesterday, when I asked the question of Harris, and he told me that, if anything, the trouble must have been this corn. In the Buchanan case there were four or five, I think, arrested. I know there are two in jail on the Gilmore case.

Question. That is the railroad case?

Answer. Yes, sir; I call it the Gilmore case.

Question. Have there been some persons arrested for the shooting of Harris?

Answer. Yes, sir; there are six: Clark, who was shot; Barney Burgess, who was shot in the eye; the three Knights, and Pendergrast. I saw them under arrest in Raleigh. Whether they gave security for their appearance I cannot tell.

Question. When were they arrested?

Answer. They were arrested a day or two after the occurrence, by Mr. Hester.

Question. Who is Mr. Hester?

Answer. I suppose he is a deputy marshal at Raleigh.

Question. You understand that they were prosecuted in the United States court?

Answer. Yes, sir; and in the Buchanan case I was subpœnaed there myself.

Question. Can you state any other acts of violence which have been committed in your vicinity?

Answer. There was another act of violence done about Jonesborough, about fifteen miles from where I live. It is on the edge of Moore County. There was a man whipped by the name of Buchanan, also a sister of this woman, Gilmore, a married sister of hers, and John Campbell. Campbell kept a little grog-shop on the road, and he was a cripple. I think they went there one night and whipped them.

Question. That was done by a body of disguised men?

Answer. They said so.

Question. How large a body of men?

Answer. I should judge it was pretty large, for this reason: the deputy marshal, who was at my house with Mr. Miller, hired a horse and buggy, and went around and collected all the witnesses in these two other cases; then they went across to Egypt, and took eighteen persons as witnesses and prisoners. They went before the grand jury. I don't know what they did with them. I think Hester had ten prisoners, and six or eight witnesses.

Question. When was that?

Answer. I think last Saturday two weeks ago. What they did with those parties I don't know.

Question. The court has lately been in session?

Answer. It was in session then.

Question. Can you tell of any other cases where bodies of disguised men have committed violence?

Answer. I cannot tell of any others that I know of. I have heard of a great many little things, but I cannot recollect them.

Question. Have you heard of other instances where men went about the country disguised at night, disturbing people?

Answer. I will relate one instance. I had two toll-bridges. I live right between two rivers. The road leads from one right across the point, from river to river. I suppose that each river is about three hundred feet wide. My toll-keeper told me that a set of disguised men came there and fenced up the bridge, tore down the fence of my neighbor Crump, and threw it in the river. Crump is a cripple; has a white swelling. I remarked to my toll-keeper that this would not do, and said to him, "Have you got any spunk?" He said "Yes." Then I said to him, "Take my double-barreled gun and revolver, and don't permit anybody to come into your house at night." He said that the night after that a great many disguised men came there, and were looking for these other disguised men who had fenced up my bridge; but they said, "We are after nothing, only those men." The men who fenced up my bridge, my gate-keeper told me, he thought belonged to Hayward. Their shirts were thrown over their pantaloons, and something was thrown over their heads. The other men he said were equipped with horns, and everything.

Question. How large a number were there?

Answer. Some twenty or thirty. They dispersed. They did not trouble anything.

Question. Were they on foot or horseback?

Answer. On horseback.

Question. Both times?

Answer. No, sir; the first time they were afoot. He said he believed it was my neighbors in the village who did it.

Question. The men who came the first time were not disguised much, except by deranging their clothing?

Answer. No, sir.

Question. This last body were in regular uniform disguise?

Answer. Yes, sir; that is about the way of it. I have never seen a disguised man myself.

Question. Have you heard of such bodies in other cases?

Answer. I think that is the last I have heard of them. This, I think, happened last summer. I think it has been nearly twelve months ago. I never said anything about it, because they never troubled me. I have fought against such proceedings, and advised them to quit it, when I would see my friends. One night my cook, who sleeps on the opposite side of the street, came screaming, and said, "Ku-Klux! Ku-Klux!" which is a common expression there for almost anything that happens. She ran across the street to me; I jumped up and took my gun, and, with a young man in the neighborhood, went all over the town, but I never saw any. When I got down to the bridge where I supposed they had gone I met my son, who had been down town until about 1 o'clock transacting business. When I got within a half mile or a quarter of a mile of Deep River bridge, which is now washed away, I heard them run over the bridge as hard as they could run. I did not see them.

Question. You were satisfied there was a body of them?

Answer. This girl said so, and became frightened. I did not see them; I never have seen them.

Question. From what you learned about their crossing the bridge, &c., were you satisfied that there was such a body?

Answer. I came to the conclusion that they had left the place; I did not see them.

Question. Do you remember any other occurrence in which disguised men figured?

Answer. I recollect of no others. There might be some little trivial matters that I do not think amount to anything. I do not know whether the parties were disguised or not. I cannot say that they were disguised, or anything of the kind. I hear so much that I cannot recollect. I used to have a good recollection, but the last ten years my mind and recollection are not good.

By Mr. POOL:

Question. I understand you to say that your habit is generally to remain at home?

Answer. Yes, sir.

Question. To what extent do you carry that habit; how often do you go away from home?

Answer. I have a farm that lies on the opposite side of the river, I suppose half a mile distant; and I have not been there in eighteen months. Unless I have business, I stay in my yard, and attend to the poultry and my family. I never leave home unless the law requires it. If I have to go away to court on business, or anything of that kind, I leave home.

Question. Your habit of remaining at home is so inveterate that you have not in eighteen months visited a farm of yours which is half a mile distant?

Answer. No, sir. My son lives there. Another son of mine lives within half a mile; he moved there last Christmas. I never have been to see his family but once since he lived there.

Question. Then you would not be likely to know much about what was going on?

Answer. No, sir; I cannot tell. These things are rumors that I hear. When a rumor of that kind breaks out, generally some friend will come and tell me of it—generally some colored man, now and then a white man. That is the only way I gain my information. I have not voted but once since the rebellion, and that was last summer.

Question. How did you vote then?

Answer. I voted for whoever I thought the honestest man. One was a republican, and two democrats. I voted for them because I thought they were honest men. I picked out those I thought were honest and would do justice.

Question. You have no party politics, then?

Answer. No, sir. The last time I voted before that, I think I voted for Governor Holden; I have been an intimate friend of his about thirty years.

Question. That was before the close of the rebellion?

Answer. It was when he and Vance ran.

Question. That was in 1863?

Answer. Yes, sir. I have not voted since last summer. I am no politician; I never was, and I am too old to become one now.

Question. Have you done any acts of kindness, of a general character, to the negroes in your neighborhood?

Answer. Well, sir, I have built two churches or school-houses for them. The first one I built on a little place I own, and when afterward I sold that tract of land I forgot to except it; and the man that I sold to would not give it up. I turned right around and built another in the town. I let them have the lot and put the house on it. I suppose the house is worth about $200.

Question. Have you built any school-houses?

Answer. That is a school-house and a church. We built it big enough for both purposes.

Question. Do colored men come to you for advice?

Answer. Yes, sir; my old servants remain with me; they have never left me. They are kind to me and I am kind to them. I suppose there are some fifteen of them, though they are not all my old stock. I have built them good houses. I have built a house for my old cook and her husband; they live about two hundred yards from me. They are as kind to me as they ever were.

Question. You spoke of an outrage upon Essic Harris. How long have you known Essic Harris?

Answer. Thirty years. He was raised within three miles of me, and he was frequently at my house when a boy, playing with my boys. I suppose he is about thirty-four or thirty-five years old.

Question. Is he a man of good character?

Answer. Well, sir, I asked Mr. William G. Harris about that. He is the man who raised Harris. He was a representative several years from Chatham County. Mr. Harris says that his character is just as good as any man's. That is what he told me the week before last. Mr. Finch says the same. Harris went to Finch's and has lived there ever since the surrender, except one year. Since I have known Harris I have never heard anything against him. I suppose his character is as good as any man's. As a colored man his character is unimpeachable, I think.

By the CHAIRMAN, (Mr. POLAND:)

Question. Is he a man of family?

Answer. He has a wife and six little children. Two of his children were going to school; but he sent for them and took them away from school to try to keep his little crop up till he returned.

By Mr. POOL:

Question. Do you think that any statement he would make in regard to the outrage upon him would be entirely reliable?

Answer. I think that anything he would state here would be entirely reliable; and I think he could sustain himself upon it in his neighborhood. I will say that much.

Question. The Mr. William G. Harris you spoke of was his old master?

Answer. Yes, sir; he had about forty slaves, and Essic Harris was one of them.

Question. What are the politics of his old master who gives him such a good character?

Answer. He is a democrat. He is an intimate friend of mine, though I have not seen him within three years till the other day.

Question. You spoke of the old gentleman with whom Harris now lives?

Answer. His name is Mr. Finch. He is about sixty-seven years old.

Question. What are his politics?

Answer. I cannot answer that question. He has a sister about seventy years old who lives with him. She is an old maid, and he is an old bachelor.

Question. Are they persons of character?

Answer. Yes, sir; Finch is a man of as good character as any man in Chatham County. So is William G. Harris. I do not think that Mr. Finch or Mr. Harris, since the surrender, has interfered in politics at all. I do not think that William G. Harris has even voted. He is a man who was wealthy. He now drives his wagon and attends to his own business. I suppose he is about sixty years of age. I am sixty-three.

Question. Do you know whether Mr. Dicken's wife was made to go along when that school-house was burned?

Answer. I do not know. All I know is what Mr. Dicken told me in the presence of Mr. Judd. Afterward Mr. Dicken said he did not burn it; that the men made him carry the fire, but he got along so slowly that the fellow who was with him burned it.

Question. Did he say anything about the men compelling his wife to go and get brush and pile it up?

Answer. I think he did.

Question. What did he say about that?

Answer. I think he said something about his wife being there, and getting brush, and then going to the house to burn it.

Question. Were he and his wife in their night clothes?

Answer. I do not know; he did not tell me.

Question. Did Dicken inform upon these men?

Answer. No, sir. I left out just there a little link in the story. What brought about this difficulty was this: There were two negroes belonging to old man Henderson Judd, that lived close by. They went to Raleigh and reported Dicken and the whole concern. The men whipped these two negroes, and they went down and reported.

Question. Did they whip the negroes the same night they burned the school-house?

Answer. Yes, sir.

Question. What did they do to Judd?

Answer. Not anything that night. When they reported these men they went down and gave security. Mr. Hester went to old man Judd to get a horse to go round and notify these men.

Question. Hester was the deputy marshal?

Answer. Yes, sir. He went and got Judd's horse and rode around to tell these people to go to Raleigh. They all went to Raleigh; they went of their own accord.

Question. Hester borrowed a horse from Judd?

Answer. He borrowed a horse to go and serve notice on these men to go to Raleigh; and they went to Raleigh.

Question. What was the date of that?

Answer. I do not know the date.

Question. How long ago?

Answer. Mr. Hester can tell you; I cannot tell.

Question. Was it within the last six months?

Answer. It was some time last fall, I think, or this spring; I will not say which. I do not know but that it was this spring. Mr. Hester went to Raleigh with these men, and they were bound over in a bond, I think, of $300. They all came back. When they came back somebody made another raid upon old man Henderson Judd.

Question. The one who loaned Mr. Hester the horse?

Answer. Yes, sir. They went to a man by the name of Warmock. They took Warmock along with them to Judd's.

Question. Were they in disguise?

Answer. I do not know; I think they were. They took Judd, and an old man by the name of Hanks; and I think they took Judd's horse.

Question. The one he loaned to Hester?

Answer. Yes, sir. They carried these men through the country. They whipped three negroes; and when they were done they said to old man Judd, "You generally tote a big pocket-book; haul it out and give us your notes." They got $10, I believe. He had 75 cents with him belonging to a little boy that was living with him; and he hated to give up the boy's money. This is old man Judd's tale.

Question. Is he a white man?

Answer. Yes, sir.

Question. A man of respectability?

Answer. Well, sir, he has been a very wealthy man; but he has always slept with one of his negro women, and got children by her, and is looked upon as rather a low character.

Question. That was before the war?

Answer. Yes, sir, and since.

Question. Were those negroes who were whipped there that night the same negroes who had gone down and made complaint?

Answer. Yes, sir, I think they were. Old Mr. Hanks is a poor old man. He is this kind of a man: He would come and build you a right good house; and if you gave him a little money to get drunk on, he would stay with you perhaps a year or two. That is the way he lives. I have known him perhaps twenty years.

Question. Is he a white man?

Answer. Yes, sir;

Question. Would he do any harm to any one?

Answer. No, sir, not in any form. The worst harm he would do is to himself.

Question. Why, then, did they take Mr. Hanks?

Answer. I do not know that they took him; but Mr. Judd says that they took him; and in three or four nights the old man Hanks died.

Question. Was it supposed his death was caused by his exposure and treatment on that night?

Answer. I do not know that. There was an old negro woman there who died on the same night as Hanks. They came near scaring old man Judd to death. They did nothing to this negro woman; but they carried Hanks and Judd around.

Question. The old negro woman and Hanks died the same night?

Answer. Both died the same night three or four nights afterward. I do not say that carrying them around killed them. They did not touch the old woman. I suppose they both happened to die that night. They were both very old.

Question. Was it supposed the woman died from being frightened?

Answer. No, sir; I reckon not. I reckon she died from old age. It is likely Hanks did too.

Question. Did they tell Mr. Judd why they took him and treated them in that way?

Answer. No, sir; he said they did not tell him anything; they only took his money.

Question. Did they not tell him it was because he had loaned a horse to the marshal?

Answer. No, sir.

Question. Did Judd see them whip those negroes?

Answer. I do not know; he did not say. Common rumor says they were whipped, and that is all I can tell you.

Question. Did you ever give Mr. Hester any aid as United States marshal when he was up in your vicinity in the discharge of his duty?

Answer. I have.

Question. What sort of aid did you give him?

Answer. The first time I met Mr. Hester I saw that gentleman standing in my gate with two or three of my neighbors. My dogs were very bad. I keep them so that no man can get in. I have three very severe dogs. I keep them for this purpose: if any man comes to molest me at night my dogs are certain to wake me. This man Hester was standing at my gate with two of my neighbors. I did not know Hester. Said he, "I want to hire a horse." I had been over to the depot, and he had come from the depot. "Well," said I, "I never talk to a man in my house without knowing his name. What is your name?" He was a fine-looking man. He said, "My name is Hester." "Well, sir," said I, "I want to know where you are going and all about it. It is rather dangerous to hire horses in our country." He said, "My name is Hester; I am a deputy marshal of the United States. I want a horse to go and subpœna Aleck Ramsey." I had but one animal left; the balance were plowing. He got that horse—a little horse of mine that I rode. He started off for Pittsborough, saying he would be back the next day. The next morning I got up an hour before day, went to the lot, looked into the stable, and found my horse there. Thinks I, "This is strange. How is this? Here is the horse in my stable." I looked around and did not see anything; but I supposed there was something wrong. I waited awhile, and about light, or a little afterward, I received a note in this form:

"Captain E. BRYAN:

"SIR: Not being able to procure a team to go after a shot man, I demand one of you in the name of the United States of America, for which I will pay you the usual price.

"HESTER."

Thinks I, "This is a very queer way." I did not understand it. A boy brought the note. I sat awhile. I thought, "If I don't let my wagon and team go, I shall be dragged to Raleigh." As soon as the "shot man" was mentioned, I knew it was this man Clark whom Harris had shot that they wanted to go after. He had been shot, I think, some two or three days before. Thinks I, "The poor fellow is shot; I have a very good Jersey wagon, and I will let him have an easy ride from his home to the depot." So I had my team geared up, and the boy drove off. Hester paid me. He carried Clark to Raleigh. When Hester left my house, he slipped around and got Tom Blacknell to go with him and pilot him in catching those men who are in Raleigh. Hester, instead of going after Ramsey, as he said, went and caught these men—Clark, Burgess, and the three Knights, and Pendergrast—and carried them to Raleigh.

Question. Clark was the man who was shot?

Answer. Yes, sir.

Question. He was unable to travel?

Answer. Yes, sir. But who shot him, I do not know. I do not say that Harris shot him or any other man. Clark says the Ku-Klux shot him.

Question. You say your horses were plowing?

Answer. Yes, sir.

Question. Then it must have been in the spring?

Answer. I think it was last spring. No, sir, I think it was in the winter. My horses were not plowing then. It was in the winter. The last time they came to get my horses to go after these men they were plowing. I mean not Mr. Hester, but Mr. Miller.

Question. Is Miller a United States deputy marshal?

Answer. Yes, sir.

Question. He got the horses afterward?

Answer. Yes, sir; two weeks ago.

Question. These officers paid you for the use of your horses?

Answer. Yes, sir; certainly they did.

Question. What happened to you after you had given this aid to the United States officers?

Answer. After doing all this, my barn was burned. I do not know who burned it. I do not lay it to these men; I cannot do that. I never saw any disguised men.

Question. How long afterward was your barn burned?

Answer. I think a week or two afterward—soon after Mr. Hester came to my house. In fact, he never was in my house but once in my life. He came once to get a batteau; he was going to Judd's to catch these fellows that were depredating; I didn't know where he was going. He went in my batteau away down the river. I think he took with him some four fellows with muskets. They went around where the school-house was burned, as I heard afterward from some of the black men. They took my batteau and waylaid there some five or six days, but discovered nothing. I got my batteau back again.

Question. Was that before your barn was burned?

Answer. My barn was burned next week after that. But I do not think that any man except the four colored men who went with him knew that he ever had my batteau. I never mentioned it to anybody.

Question. What other house of yours was burned?

Answer. The toll-house was burned.

Question. About the same time?

Answer. No, sir; that was a long time before. I think that that was burned accidentally like the academy in Hayward. I think the railroad hands probably did it accidentally. The other house burned was a farm-house on the other side of the river. The barn was about one hundred yards from my dwelling.

Question. When was the house on the other side of the river burned?

Answer. Twelve or eighteen months ago. The other was burned just before my bridge was washed away.

Question. Did the burning of that house across the river happen about the time you were building those churches for the negroes?

Answer. Well, I cannot say when it was. I think it was just a malicious act. I had purchased a piece of land unbeknown to anybody at $5 an acre. It belonged to some heirs in Georgia. There were other people that wanted it. There was an old house on it of little value—not worth I suppose $50. Some colored people had been living in it; they had moved to Hickory Mountain. They left their things there. Somebody went and burned it all up. The colored people lost more than I did. They had more things in the house than I had. I did not think that the burning of either of the houses that

were burned, nor the burning of the female academy in Hayward, had anything to do with any political affair at all. That is my opinion. I think it was just for my unpopularity, if anything; probably it was done by some neighbor who owed me a grudge.

Question. Have you heard that there is a state of terror and intimidation among any class of people in Chatham County in consequence of these operations?

Answer. I have. There has been a good deal said backward and forward. I have never been to but one election; that was last summer. Mr. Clay was one of the inspectors; he was a former partner of ours. I rode up to vote. I talked to several gentlemen, saying that I had not come to vote for any political object, but for honest men who, I hoped, would do us justice. I went up and stood about three hours. I never saw an election conducted better. The blacks were electioneering, and so were the other party. As every black man came up, they would register his name and he would vote as he wished. Several black men came to me and I said, "Boys, go up and vote just as you want to." There seemed to be no trouble. The election was carried on as fairly, I thought, as it could be. One of the inspectors was a democrat, and one of the poll-holders was the same. They generally try to divide those officers politically. I stood and looked on several hours, and then went home.

Question. It is the old custom to divide inspectors equally between the two parties?

Answer. Yes, sir; I saw nothing wrong, and never heard the first case of an effort being made to keep black men from the polls.

Question. I was not speaking so much in regard to voting as in reference to the condition of the people.

Answer. The condition of our country has been very bad; but I am in hopes that since this affair of the shooting of Harris those men have disbanded, if there ever was such an organization. I do not know that there was. But I think there is a better feeling among the people right around there, and I think there is going to be better times. There have been bad times.

Question. Since the shooting of Harris and the arrest?

Answer. Yes, sir. You see the negroes would come to me. It has rendered me very unpopular. I like to protect my old servants. When an old servant has been kind to me I cannot help feeling for him to save my life; and if he wants anything, I will aid him. I have gone on in that way. I have never mixed with them at all.

Question. Do you know anything about men sleeping in the woods, for fear of staying in their houses?

Answer. Well, I have heard something of that. I suppose you allude to this Buchanan case?

Question. No, not particularly.

Answer. As a general thing, whenever any of these outrages take place, there is mighty apt to be a cause. I have never yet seen one committed where there has not been some cause, except this case of Harris's.

Question. You mean some cause alleged?

Answer. Some cause for the act. I know that there were three or four families that they were very rigid against; and they fixed their doors as Harris fixed his. If Harris's door had not been fixed, they would have got him that night and assassinated him. I know that some of them have fixed their doors in that way. They say they do not rest well; that they are afraid. I tell them not to be afraid, that they are at home, and they have a right to protect their own property.

Question. Some of them will tell you that they are afraid, and cannot sleep?

Answer. Yes, sir; but I never heard of anybody lying out, except what I heard from the Gilmore crowd.

By Mr. BECK:

Question. The Howle case?

Answer. Yes, sir.

By Mr. POOL:

Question. Have the State courts or county authorities ever punished any of these men who have been going about in disguise committing these outrages?

Answer. Yes, sir; they have a good many up, I think, about one thing or another of that kind. They have tried in some way to do it; but I think that mostly the cases have been sent before the court.

Question. The United States court?

Answer. No, sir; the superior court, before Judge Togee.

Question. Do you know of any white man that has been arrested and indicted in your county for committing these outrages?

Answer. No; not in our court, except in the case of this burning. It was carried before Judge Togee, and he sentenced the parties to two years in the penitentiary The other two appealed.

Question. You have reference to the indictment against two negroes?

Answer. Yes, sir; I do not know of any other proceeding in our county. Complaints are carried before Colonel Shaffer, who binds the parties over for their appearance at the United States court.

Question. Is Colonel Shaffer the United States commissioner?

Answer. Yes, sir; he has charge of the whole concern.

Question. You know that two or three colored men were taken up, tried, convicted, and sentenced to the penitentiary for burning a house?

Answer. Yes, sir; they acknowledged the fact.

Question. Outside of that case, have you known any case in which these men commonly called Ku-Klux, going around in disguise and committing outrages, have been arraigned in your State courts and punished?

Answer. No, sir; I have not. This thing you call Ku-Klux I know nothing about; I never saw one, but I find it has run all through, I believe, almost anybody. I think if anything it is a general thing. One does one way one night, and the next night the other will do the other way; and thus they have it. That is the general way through the country. For instance, if I and another man go out to-night and do something wrong, it may be the next night other men of both politics get together and do something wrong. There are about half and half of each. I can sit down and give you mighty nigh every man that has been caught in the Buchanan case, the Gilmore case, the Harris case, and the Judd case; and you will find them about equally divided, except it is in the Buchanan case. That is out on the edge of Moore County, and most of them are democrats; but you will find the others about half and half. What they do it for I do not know.

Question. You speak of those arrested?

Answer. I am speaking of the crowd. There are six in the Harris case.

Question. Is there any republican among them?

Answer. Two republicans. One was captain and general superintendent of a league—that is Barney Burgess.

Question. What were his politics in the election last summer?

Answer. I cannot say. Clark is the other republican. I think the three Knights and Pendergrast were democrats. I only judge from the manner in which they live.

Question. Do you know what Clark's politics were last summer?

Answer. No; I do not know. I have not seen Clark since. He and Burgess came from New Hope, and put up a little grog-shop four or five miles from me.

Question. Do you know whether Clark and the other man you speak of as having been republicans, changed their politics last summer?

Answer. I should not be at all surprised; but I cannot say.

Question. Now, take the Buchanan case and state the politics of the parties.

Answer. One of them is a boy about nineteen years old. His father, whose name is Clark, lives four or five miles from me. I know that he belongs to the league party. Mitchell and Cavendish are young men who came from I do not know where but the report is that they are very bad young men. Dave McKeever, I think, was a democrat. I felt very sorry for Mr. Clark, the father of this boy Clark; and Mr. Pace and myself became security for him, that he might go home and work for his father. The boy appeared at the last court, but went back. That is the only case in which I have stood as security.

Question. You stated that there was another republican besides Clark in the Harris case; what was his name—the man who had his eye shot?

Answer. That was Barney Burgess.

Question. Did you say he was a republican?

Answer. Yes, sir; I think he was. I only give you what I believe to be common rumor. I have no personal knowledge as to Barney Burgess. I think Barney Burgess was a republican.

Question. You have no knowledge of any others being republicans?

Answer. No, sir; I did not say that Mr. Clark's son was a republican; but his father was. The boy is an eighteen-year-old lad. I do not know his given name, although I stood his security.

Question. Is he the man who was shot?

Answer. No, sir; this man is connected with the Gilmore case. There are two Clarks, but they are no kin at all.

Question. You think he was a republican?

Answer. His father was. He himself is a boy not entitled to vote. His father is a very poor man.

Question. Do you know any other republican implicated in any of these matters?

Answer. As to the Judd crowd, I am not able to say. Neither am I able to speak as to the Jonesborough crowd of ten or twelve. Politics is a thing I never notice, and I should not have noticed it in this case, but I was told by several that Barney Burgess was a republican.

Question. Have you ever heard of a democrat being taken from his house by these disguised men and whipped?

Answer. I do not know that I have. I do not know what Mr. Buchanan's politics are. He used to work for me when a boy. He is about fifty years old, I reckon. I do not know what Campbell's politics are, but Buchanan used to be a democrat. What

he is now I do not know. I had not seen him for eight or ten years till I saw him the other day at Raleigh.

Question. What is the politics of the county officers of your county?

Answer. The clerk of the superior court is a republican. For my life I can hardly recollect the politics of different men. I have had nothing to do with politics for so long. The clerk is a strong republican.

Question. Is there any other republican officer in the county?

Answer. I think not. I think that last year they were all beaten except him. The year before last the officers were all republicans; but at the last election they were all beaten and another set put in.

Question. Then since last August all the officers in that county have been democrats?

Answer. Yes, sir, I think so. The township magistrates in my township are two democrats and one republican. Mr. Moffit is a republican. He was elected with the democrats, but is a republican.

Question. Was he run on the democratic ticket?

Answer. Yes, sir; he ran with the democrats and was elected.

Question. He was not on the republican ticket?

Answer. I do not know; I believe he was on both; I will not be positive; I think I understood so. I had nothing to do with the election.

Question. Have there been any charges of corruption or malpractice in office against any of the county officers?

Answer. Not that I know of.

Question. How long is it since there were any leagues in Chatham County?

Answer. Well, I cannot tell. They used to meet at the academy. There were some forty or fifty whites and a good many colored.

Question. How long ago?

Answer. It has been a year or so ago.

Question. Have there been any meetings of leagues since 1868?

Answer. I think there have.

Question. Have you heard of any leagues within the last twelve or eighteen months?

Answer. No, sir, I have not.

Question. Is it not generally understood that the leagues have been entirely broken up?

Answer. Yes, sir, I think they have quit.

Question. They have ceased and disbanded?

Answer. Yes, sir. Perhaps it is necessary to state that the white people in my county, league or no league, will not vote for a colored man.

Question. White men will not vote for colored people?

Answer. I do not think they will. I give you nothing but observation. They ran Jim Harris, a colored man. The vote for Governor Holden, when he ran the year previous, stood, I think, 750 majority for the republicans. The next year the majority stood 15 the other way.

Question. The politics of the county was changed?

Answer. Yes, sir; changed, I think, entirely on the ground of running Harris.

Question. On account of running a colored man?

Answer. Yes, sir. The white people will not vote for a colored man even for school commissioner.

Question. At the time of Governor Holden's election, when 700 majority was given, were there not some colored men on the ticket?

Answer. Not one. Harris is the first colored man who ever ran on the ticket there, except for school committee and magistrate. When the last election was coming on, I saw how it was going. I was laughing with Smith, the president of the North Carolina road, and remarked to him, "If you don't take Harris's name off the ticket, you will be beaten worse than ever you saw. The white people won't stand it. Mark what I say." He laughed at me; but it turned out so. In our county we have, I think, about one-third more white voters than there are colored. This statement is only guess-work, for I don't know how many voters there are in the county.

By Mr. BLAIR:

Question. State the politics of Henderson Judd.

Answer. I think he was formerly a democrat, but I think he is now a republican.

Question. You spoke of the burning of a school-house and the burning of Mimms's barn?

Answer. They ought, I think, to be connected, to show the cause of these difficulties. They commenced burning buildings in Wake County, about twenty miles from me. They came along, burning all along. I think there were some six or seven barns burned. I think the parties have all been tried. When they came to Mimms's barn, which is about six miles below me, on the northern or eastern side of Cape Fear River, whichever you choose to call it, Mimms went out to put out his barn, and he was shot at. Four or five of those who did that were caught and put in jail. Mr. Mimms himself came to me and asked me to go security for one of the boys arrested. He said, "I

do not think he is guilty, and do not think he ought to be imprisoned, although my barn is burned. I wish you would go the boy's security." Said I, "Mr. Mimms, you must do it yourself." He replied, "None of us can swear to be worth $1,500; and if you do not go the boy's bail, he will be bounced into prison." I, however, declined to go the boy's security.

Question. These persons who were arrested for burning Mimms's barn were negroes?

Answer. Yes, sir, they were negroes. They then had what they called a meeting upon the subject of burning this school-house.

Question. The negroes had?

Answer. Yes, sir; and they supposed that Dicken was with them. They were holding a meeting to go and burn this building. It was a little while after the burning of Mimms's barn. The boys made an acknowledgment of the whole thing. The two who took an appeal said that they were not there, but they said that they advised it. So their counsel told me; and he appealed to the supreme court on that ground.

Question. This was an organization for the purpose of burning barns?

Answer. That is what I understood.

Question. And what they admitted?

Answer. Yes, sir, I think they admitted it.

Question. Was this man Dicken a white man?

Answer. Yes, sir.

By Mr. BECK:

Question. It was after these barns were burned that this church or school-house was burned, when Dicken took part?

Answer. Yes, sir, directly after Mimms's barn was burned.

Question. Was this the same school-house where they held the meeting which Dicken attended to keep up the organization for barn-burning?

Answer. That was it exactly. They crossed Cape Fear River, and went on the other side.

Question. And then some fellows burned that school-house, and took Dicken along?

Answer. Yes, sir; the disguised men, I think; they took Dicken along.

Question. And Dicken never told on them till they were all arrested, he with them, and then he turned State's evidence?

Answer. Directly after they burned the barn they pursued and caught two of Judd's negro's and whipped them. The negroes went to Colonel Shaffer and reported them. When they reported the matter, the cat leaked out in reference to burning the barn. They all ran from the school-house when they heard parties coming; and then they came to Dicken and made him go and burn it down.

Question. They burned it the same night the meeting was held?

Answer. Yes, sir; so I understood.

Question. A meeting was being held for the purpose of keeping up the organization to keep on burning barns?

Answer. Yes, sir; I think the colored people admitted that. I think there were about twenty or thirty. A good many of them were tried. They removed the trial to Franklin. Some of them were convicted.

Question. And the fellows who caught them holding that meeting for the purpose of keeping on barn-burning caught Dicken and took him back and made him burn the house in which they had held the meeting?

Answer. That is the report.

Question. Then after these men got whipped they told that Dicken was along with them?

Answer. They said that Dicken burned it. Then Dicken came out and told how it was; that they made him burn the school-house or church, whichever you call it. It was a mixed up affair from all I hear. What I know is hearsay.

Question. As to this and the other burnings you think there was no organization?

Answer. No, sir; I do not, honestly.

Question. When Harris was shot were persons of both parties mixed up in it?

Answer. I think four of them were democrats and two belonged to the republicans; that is, they did belong to the republicans, but whether they do now or not I cannot say.

Question. Two out of the six were men who had been in the league?

Answer. Yes, sir; one of them, Barney Burgess, was, as Harris will tell you, one of the leaders of the league party. I knew a good deal about the league party. They used to come to me and talk to me about it. They had a meeting place in Hayward. I never knew them to be disturbed. They had another place right by where Harris lived, and also at another place. The white men would meet; I do not know what they did. I would frequently meet the head-men of the thing, and we would talk and laugh about it. They would come to my house; they were my friends and neighbors. I thought that if they chose to go on they might do so. I never had anything to do with it.

Question. You have spoken of this Howle case. What kind of a fellow is Howle?

Answer. I do not like to say much about him. Mr. Howle came to my house about eleven months ago. I looked upon him as a gentleman. He said he wanted to stay with me for three or four days. I let him stay. After staying three or four days he paid me up like a gentleman.

Question. What do people generally say about him? What is his general character?

Answer. They generally speak very badly about him.

Question. That is his general character in the neighborhood?

Answer. Yes, sir. Mr. Howle has always acted very gentlemanly with me; but his general character through the country is very bad. I am bound to say that. One of the engineers came to me and told me not to trust him; that he never paid up, and that he was a man of no truth.

Question. His character for truthfulness is bad?

Answer. Yes, sir; that is what was stated to me. I liked Mr. Howle myself. He always treated me very gentlemanly. He is a citizen of Richmond now. He left our neighborhood about the latter part of April, and went to Richmond about the time the Buchanan case came up.

Question. In the Buchanan case, were both men and women whipped?

Answer. Yes, sir.

Question. What kind of a house was that kept down there? What was the general character of the house and the people who lived there?

Answer. She is an old woman who married and had a good many children. About fifteen years ago she had a black child. About three or four years ago she was very poor. She came to me and I gave her a pair of cart-wheels to work her oxen. They did say, (I do not know it to be so,) that she drove off her husband—a weak, pitiful kind of a fellow. She put up a kind of a distillery, making about a gallon of whisky at a time. Her visitors are mostly colored men.

Question. Her house was frequented mostly by colored men?

Answer. Yes, sir.

Question. She drove her husband off?

Answer. Yes, sir.

Question. She was a woman of very bad character?

Answer. Yes, sir.

Question. What was the character of the girls she had about her?

Answer. I reckon they were about the same.

Question. Do you think it made much difference whether white or black men came about there?

Answer. No, sir.

Question. Are not those women generally considered as strumpets?

Answer. Yes, sir, certainly.

Question. The house is a house of ill fame and a drinking house, frequented mostly by colored people?

Answer. Yes, sir, that is what the neighbors say. Her neighbors are generally what we call "one-horse plowers"—honest, straight-forward citizens. She is right in the center of them.

Question Is there not a good deal of complaint of pilfering and of things going to her house, from the neighbors all around?

Answer. Yes, sir, a good deal.

Question. Do you think her politics had anything to do with her being whipped or interfered with?

Answer. No, sir.

Question. Is it not one of those houses where there is drinking, whoring, and such things as get up disturbance in your country?

Answer. As you call me out on that point, there is one circumstance I will mention. There was a woman named Godfrey who went to live with this woman. I saw her in Raleigh the other day, in a wagon with Mr. Howle. She had a little daughter about fifteen or sixteen years old, I suppose. She hired her out to a man named Dave Wicker. I am told that she is a very nice little girl. Her mother went after her to go there.

Question. To take her to this old strumpet's house?

Answer. Yes, sir. The little girl refused to go and told her she could not; that she had hired herself to this man, Wicker, for a year. Wicker refused to give her up. The mother of this girl, who is a poor woman, lives about two or three miles from the house. I think it all grew out of that.

Question. Out of this woman wanting to take that child to the old strumpet's house, and the man refusing to give her up?

Answer. Yes, sir.

Question. That was certainly no place to take a young girl to?

Answer. No, sir, it was not.

Question. The character of that house was notorious all around that neighborhood?

Answer. Yes, sir; the neighbors all said so. I have been to the house repeatedly when passing.

Question. You saw her at Raleigh the other day?
Answer. Yes, sir.
Question. What did Howle bring her there for; what were they doing together?
Answer. Do you want to know all about it?
Question. Yes, we do.
Answer. Mr. Howle came to my house and said he and Mr. Hull were going back, that they could not be protected. Said I, "Mr. Howle, you and Mr. Hull come to my house." Mr. Howle owed me about $34. He let Mr. Barnum have his contract. Mr. Barnum was to pay his debts, and if anything was left he was to pay me. They went to the chief engineer of the company, and he turned the contract over to Mr. Barnum. Mr. Howle went on to Raleigh. He left my house, I suppose, about dark, and it was raining. I said to him, "I would not go if I were you; I will protect you; nobody will trouble you." Barnum said, "Come with me to Locksville and I will protect you." Howle said, "No, my life is in danger." So he put out. Mr. Howle went to Raleigh; and the next day he came out with ten soldiers, and caught those men whose names I have given you. I saw the men in the wagon with him, except one. He had Clark and Mitchell with him; I forget the name of the other. He had those three in the wagon with him, and a boy. He took them down to Raleigh under arms. He had taken with him a captain and lieutenant and ten soldiers, with muskets. He had also with him "Old Sal," two girls, and this Godfrey woman. They carried them down to Colonel Shaffer, who put them in jail. When he put them in jail, I stood security for young Clark; the others were in jail when I left. Those two are bad boys. One of them, I think, married the daughter of this man Dave Wicker, with whom the girl I spoke of is living. I think his name is Mitchell. All I know of it is that I saw these parties in Raleigh.

By Mr. POOL:

Question. Did you say that the night the school-house was burned parties were caught holding a meeting in there?
Answer. That was the report; I know nothing about it myself. There was a report to that effect, that they went there for that purpose.
Question. They caught them there the same night they burned the house?
Answer. Yes, sir; they caught two that night and whipped them.
Question. Did they catch them holding a meeting in the school-house for the purpose of burning on the same night that they burned the school-house?
Answer. That is what I understood from the neighbors. When they approached, those who had been in the school-house ran off.
Question. When you spoke of Howle having a bad character, you said the engineer told you so?
Answer. I think he did. If he did not tell me, he told my son not to trust him.
Question. You speak on this point from what the engineer said?
Answer. My son superintends my whole business. He came to me and said, "Father, the engineer says you had better not have anything to do with Mr. Howle."
Question. That is how you get your idea about Howle having a bad character?
Answer. No, sir; I got it generally in the neighborhood. Toward me he always acted as a gentleman.

By Mr. BECK:

Question. But the whole neighborhood generally speaks badly of him?
Answer. Yes, sir.
Question. When did this barn-burning of which you spoke take place; you said four or five barns were burned?
Answer. If my recollection is right, they commenced with the barn of a man on Swift Creek, about twelve miles from Raleigh, and came clear across, sort of below the railroad.
Question. How long ago did it occur?
Answer. I think twelve or eighteen months ago.
Question. Has there been any barn burned there within that time except yours?
Answer. I do not think there has. The last barn burned was Mimms's; and I cannot tell when that was.
Question. Has it been as long ago as eighteen months?
Answer. I cannot answer that question, because I cannot recollect dates or names.
Question. Has there been any barn burned in Chatham County within the last two years, except yours, so far as you know?
Answer. I think Mimms's barn was burned less than two years ago. Mine and Mimms's are all I know of that ever were burned in Chatham County. I do not reckon the county is more than a mile or two wide where Mimms lives. The county runs down in a peak there. I want to say that I have stated nothing here but what is hearsay; I know nothing on my own knowledge.

By Mr. COBURN:

Question. What did you say when these horses and this wagon were demanded of you?

Answer. I just sent them.
Question. Did you not say to somebody, "You have ruined me?"
Answer. I think I did.
Question. To whom did you say that?
Answer. I think it was to Mr. Hester, when he paid me. Said I, "Mr. Hester, I do not like this business, because I shall suffer for these things; and I am ruined." I did say it.
Question. That was at what time?
Answer. It was when Hester went after Clark.
Question. Did he get your horses and wagon then?
Answer. Certainly he did, and went after Clark, and carried him to the depot.
Question. What made you say that?
Answer. I thought this way, that the country was in such a condition that I had enemies, and those enemies might take redress upon me. That is exactly why I said it. I stood aloof from both parties. I want that distinctly understood.
Question. You had serious apprehensions of danger, because you allowed your horses and wagon to be taken, to be used in arresting this man who had been engaged in this Ku-Klux operation?
Answer. I did.
Question. Did you understand at that time that Clark had been engaged in the Ku-Kluxing business?
Answer. O, yes; I heard it the next day when I heard that Clark was shot.
Question. What did Mr. Hester say that he wanted to do with your horses and wagon?
Answer. To go after a shot man.
Question. Anything more than that?
Answer. I did not see Hester. The boy brought me the order or demand from Hester in the form I have already stated.
Question. You say that you keep a double-barreled gun and revolver loaded, and permit no man at night to come into your house?
Answer. I do not if he is disguised. I let any respectable man come into my house; but if a man is disguised he cannot come in.
Question. You would not allow any disguised man to come into your house?
Answer. Not on this earth; for I am opposed to any such thing.
Question. Why would you not allow a man of that kind to come in?
Answer. Because I think he would only be harmed; I would shoot him.
Question. Do you keep on the watch?
Answer. I have done so a good deal. I do not sleep much. In the beginning of the war I had a good deal of property stolen from me. Horses were stolen all around me. I never lost any of mine. But I had to watch my lot and other things. I generally get up at one o'clock, and walk for the balance of the night. I have five grown sons, and they are generally knocking about the first part of the night.
Question. Does the same feeling of uneasiness and sleeplessness prevail among your neighbors; are they apprehensive of danger?
Answer. I think that at that time it did among the colored people. My idea is that now it does not.
Question. How long since their apprehensions of danger have ceased?
Answer. I think about two or three months. I think there has been a change.
Question. What did they apprehend; did they apprehend danger from the Ku-Klux?
Answer. From the Ku-Klux. It was "Ku-Klux, Ku-Klux," all the time, and nothing but "Ku-Klux."
Question. Do you say that?
Answer. I say that these men thought so.
Question. That was because of the feeling of apprehension prevailing?
Answer. It was because of the apprehension. If they tell the truth there is no doubt about that.
Question. Have you kept your gun loaded, for fear of the Ku-Klux?
Answer. I have kept it to shoot any disguised man that might come around my house, I do not care who he is. I have quit it now for, I think, the last four or five months. I do not know that I now have a double-barreled gun. I have lent it to one of my neighbors. I have nothing but a revolver, which lies upon my wife's bureau, at the head of my bed.

WASHINGTON, D. C., *July* 1, 1871.

ESSIC HARRIS (colored) sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you live?
Answer. In Chatham County, North Carolina.
Question. Do you live in a town or out of town?

Answer. Out of town, about seven miles.
Question. What is your business when at home?
Answer. Farming.
Question. How long have you lived at the place where you now live?
Answer. I have been there only one year.
Question. Where did you live before that?
Answer. I staid with a man named Leach.
Question. How far from where you live now?
Answer. It may be three miles. I was not very far from Pittsborough then.
Question. Have you always lived in the same neighborhood?
Answer. Yes, sir; I was raised within four miles of there.
Question. You have lived there all your life?
Answer. Yes, sir.
Question. Have you a family?
Answer. Yes, sir.
Question. A family of how many?
Answer. A wife and six children.
Question. Do you and your family live in a house by yourselves?
Answer. Yes, sir. It is right close to the house of the old white man that I rent the land of.
Question. You rent some land from him and work it?
Answer. Yes, sir.
Question. State to the committee whether some men called upon you in disguise; tell the whole story about that.
Answer. Well, sir, they came the first time about last Christmas—the Wednesday night before Christmas—to take my gun.
Question. State what took place on that Wednesday night.
Answer. They came to the door and knocked. I was asleep when they came. My wife, when they commenced knocking at the door, said, "Essic, Essic, there's somebody at the door." I jumped out of bed. By the time I got out of bed they had knocked both my doors open. They asked where my gun was. By the time I understood what they said, they had my gun out of the rack. They asked me if I had ever seen the Ku-Klux. I told them "No, sir." They said: "Here they are; we are the Ku-Klux. Did you ever see them before?" I said: "No, sir." They asked me where my shot and powder were. I told them up in my little bag. They took the shot and powder and walked right out, and never said anything more.
Question. They took your gun?
Answer. Yes, sir.
Question. And your powder and shot?
Answer. Yes, sir.
Question. About what time in the night was this?
Answer. I reckon it was somewhere near 11 o'clock. I had been asleep. I did not have any clock or watch around. I had been working on the railroad, and was very tired when I laid down.
Question. How many of these men were there?
Answer. I do not know.
Question. How many did you see?
Answer. Some said they reckoned there were about fifteen of them. They sort of scared me at first. Some of them had on some women's clothes. I was just awake, and they came right in and went right out.
Question. Did they wear disguises; had they something over their faces?
Answer. Yes, sir.
Question. What did they seem to have over their faces?
Answer. It looked like a sort of paper or sheep-skin; it was a sort of black thing; some had one thing and some another; it was not all of one sort.
Question. They were not all dressed alike?
Answer. No, sir.
Question. Did you know any of them?
Answer. No, sir; not then. They did not stay there long.
Question. Were they armed? Did they have guns or pistols?
Answer. Yes, sir; they had guns and pistols.
Question. Do you know whether they came on horseback?
Answer. Yes, sir; I think nearly all of them did.
Question. How many came into your house?
Answer. I do not know how many. My house was nearly full of them, and a parcel were standing at the door besides. My house is about 18 feet by 20, and it has two beds in it. When they came in they nearly filled my house up.
Question. Have you stated all that they said?
Answer. No, sir.
Question. State all that was said, so far as you remember, that night.

Answer. I have told all that they said to me that night. They came back again. My wife said that they said they were going to fetch the gun back; but I did not understand them to say that. They went to another place about a quarter of a mile off, and took another fellow's gun; he lived on the same land; and this was on that same night.

Question. Another colored man?

Answer. Yes, sir. They took his gun, and ate something there. Some of them played a fiddle and danced awhile. They took another man's gun after that. They took about four guns from that settlement that night.

Question. From four different colored men?

Answer. Yes, sir.

Question. Did they all live pretty near you?

Answer. Yes, sir; the farthest one was about two miles, I reckon.

Question. Is that all they did that night?

Answer. Yes, sir; pretty much all. They went over to another hill. Some of the girls said they ravished them. I do not know anything about it. They said they were ravished that night.

Question. More than one?

Answer. Only one was ravished.

Question. Who told you that?

Answer. She told me that.

Question. Was she a married woman?

Answer. No, sir; she is a single woman who stays right there. We all farm on the same place.

Question. Did she live alone?

Answer. No, sir; she staid with her kinfolks; some four or five women stay there, and only one man, except on Sundays. The brothers come there on Sundays; they consider that their home on Sundays. The boy that stays there was raised by Mr. Finch; his name is Jacob Finch.

Question. There were three or four women in the same house?

Answer. Yes, sir; but they called her out from the house, right around the corner.

Question. Did you learn anything about that except from her? Did any of them know anything about it except her?

Answer. The rest of them knew of the calling of her out.

Question. But what was done after she went out, they did not know?

Answer. No, sir.

Question. Did these men come to see you again?

Answer. Yes, sir.

Question. When was that?

Answer. They came after Christmas.

Question. How long after Christmas?

Answer. I do not know exactly how long—a week or two; it may have been a little more than that.

Question. State what took place then.

Answer. I had been cutting new ground that day, working very hard; and I was sitting by the fire; I had not laid down, but was nodding. I could sleep sitting up as well as lying down, if I had been working hard. My wife woke me, and said, "Essic, you had better go to bed instead of sitting here by the fire in the way." I went to bed. Stirring up the fire I had got sort of awake; I was lying on the bed awake. After while she came and laid down. As she laid down she thought I was asleep. I have got a dog that hardly ever barks at anybody; but he has barked every time these men came; he don't bark at anything else. He made about three barks. She said, "Essic, the Ku-Klux is coming." I never said anything, but bounced out of my bed, and went to the door. I took my bar down and looked to see what was the matter. They cried, "Hello!" I peeped out and saw that my yard was full of men. I jumped against my door and fastened it. I had a bucket of water sitting beside the door on the pavement. As soon as I shut the door I took the bucket of water and threw it on the fire, and put it out. My gun was at the head of my bed. As soon as I put my fire out I went back to the head of the bed and got my gun. By the time I had got my gun, they had knocked my window open. I had to fall on my knees, then, to keep from being shot. My wife was lying in bed. After they got the window open they commenced firing in the window. Some of them said they were going to come in at the window and get me out. As soon as they came, or by the time I could shut my door, Mr. Ned Finch, the man I stay with, a white gentleman, came out among them. Said he, "Gentlemen, what do you all want?"

Question. He came from his house?

Answer. Yes, sir; I heard him; I did not see him from my door. He said, "Gentlemen, what do you all want? What are you going to do? Let this nigger alone. He is a nigger that I have here to work my land. He has a family, and is a hard-working nigger, and don't bother anybody. Please let him alone." He kept on talking and

going around pleading, and begging them to let me alone. He went all round the house. They were all round my house. After awhile they got sort of vexed, and ran him back into his own house, and told him that as soon as they got through with me they would fix him. He got very much scared then. He went back and he just stood in the door and looked at my house all the time that they were there. He was about to leave his own house; he was afraid they were going to rob him after they had killed me. Miss Sallie begged him not to leave the house.

Question. Who was she?

Answer. She is his sister; they never married; they are both single. He never left. They kept on knocking at my door, saying that they had killed me. It was half an hour before they knocked the door down, I reckon; but as soon as they got the door down, so that they could shoot in, they commenced firing in the door, though they had been shooting in the window all the time. I don't reckon there was five minutes' time when they were not shooting. I was sitting very close by the window. I have two doors in my house; and if I sat in front of the door there was danger of my being shot. I sat very close to the window. When they put pistols in at the window I could see them and prevent them from hitting me. They staid so long that the moon turned over; and that gave light in my house like the sun when it turns and comes in at the window when it is going down.

Question. The moon had got around so that it shone in?

Answer. Yes, sir. I moved away from that place. When the moon began to give such an amount of light they commenced shooting right at me. Miss Sally kept walking among them, and begged them not to bother me; that I was a hard-working man, and she did not know of anybody having anything against me. After they had run the old man back so that he could not talk any more, she came out among them and walked among them till they left. She was all the time begging them to let me alone. She thought I was dead, that my wife and all the children were dead. I thought at the same time they were all dead. They said that they had killed me. I was then shot almost to pieces. My wife has got six children. Two of them were gone to school. I only had four children in there of my own; two of them were away at school. I had there with me a little boy, twelve or thirteen years old, my sister's son. I had him there to help me work. There were five children in the house. I never had time to see what they were all doing; but they all got out of the way. I thought they were all dead. My wife had got between the bed-ticking and the mat; my little children were in another bed; they had got in a pile, right on top of one another, like a parcel of pigs.

Question. Under the bed?

Answer. In the bed. The shots were flying all over where they were. The men poked their guns so as to make the range of the balls as nigh all over the house as they could. One thing that prevented them from killing my wife and children was, I reckon, this: I had four bushels of corn in my house, and I put them against the door, and also a little meal in a bag. When the door fell, it did not fall flat down.

Question. The corn held it up?

Answer. Yes, sir. But they cut my bag all to pieces, and I lost a vast amount of corn. After they got the door down they cut the bag all to pieces; but the door did not fall flat. They shot the top of the door all to pieces. There are holes in my door that you can poke your finger in. When my door fell, the top was two or three feet from the floor; the corn would not let it fall flat down.

Question. It leaned over on the corn?

Answer. Yes, sir. They kept shooting and saying, "We have killed the old man, boys; let us go in and fetch them out." One would say to another, "Well, you go in." One would come around and say, "Yonder he is; I see him;" and then he would shoot. Another would say, "Boys, let us go in; I have killed him; I saw him fall; he is dead." But they didn't any of them come into my house. These fellows, when they were getting my door down, got very hot; they were shooting all the time. One had said that I was dead. They came to my window and pulled off their caps. Some of them I knew, and some I would not know in the daytime if I was to see them.

Question. Did you shoot back?

Answer. They were there, I reckon, an hour and a half. They said they had killed me. I felt it to be life and death anyhow. I thought my wife and children were all dead; I did not expect anything else. The shot just rained like rain. I raised my gun once to shoot; when I raised it I saw Miss Sally, Mr. Finch's sister, come along; and I laid my gun right down. I had my ax; it was lying on my right hand; my arm was shot so I could hardly use it; I drew it to me; and when Miss Sally passed I got my ax to me after a while. It was mighty heavy and my arm was sore so that I could hardly use it. I took aim at Clark's head.

Question. Where was he standing?

Answer. At my door. The door was partly down; any two men could have come in at the door side by side, at the same time. Clark was cutting at the door, and I raised my gun to shoot his head. They always said in my country that a man could not kill a Ku-Klux; they said that they could not be hit; that if they were, the ball would

bounce back and kill you. I thought though that I would try it, and see if my gun would hit one. It had no load in it to kill a man. I never loaded it to kill anything except squirrels, &c. It had only a common load with one or two big shot, such as I always put in. If I had put in a load to kill a man I could have killed him because I was very close to him. I shot this man, Joe Clark, and Mr. Burgess.

Question. Were they both at the door together?

Answer. Yes, sir; Mr. Burgess says he was not with Mr. Clark, but somewhere else.

Question. You fired?

Answer. Yes, sir; when I fired I hallooed for a boy I had to give me hold of my five-shooter. They caught this shot fellow and carried him off round the chimney. I expected they were going to come in. I never had any five-shooter. I had bought one, but had not fetched it home. I thought I would fetch it home after a while; it had to be fixed a little. But I called for it as if I had it. They thought I did have it, I reckon.

By Mr. BECK:

Question. You shot only one load, with a single-barreled gun?

Answer. Yes, sir, only one load. I was the last man who shot a gun at my house. They said they were going to set my house on fire; that they did not intend to leave there till they had done it. I thought they were going to do it. I was just as certain they were as that I was in there. I had some shot. I have often heard people talk about a man being so scared that he could not shoot people; but they had been there so long my fear was over; I had no fear at all by that time—not a bit. I went to my little wallet where I kept my shot and powder. The men were standing behind the chimney waiting for them to carry off this shot one, I reckon. He had time to get half a mile or a quarter of a mile before they left. Some eight or ten of them staid after the rest had started, saying they were going to set my house on fire.

By the CHAIRMAN, (Mr. POLAND:)

Question. A part of them went off?

Answer. Yes, sir; carrying off the shot one. I loaded my gun again; I put an uncommon load in it—a dangerous load. I was expecting them to come back to the door, and, maybe, shoot me. While I was loading they could hear me cramming the wadding down. After I had got it almost loaded I said, "Give me hold of my five-shooter." They said, "Boys, the old man is calling for his five-shooter, and loading his gun; let us leave." Upon that they went off.

Question. How long do you think it was from the time they came there till they left; how long were they about your house?

Answer. I reckon about an hour and a half. Mr. Finch says he kept talking so that one went off; he saw one go off.

Question. Early?

Answer. Yes, sir; he did not know who he was; but he kept talking to him till he went off.

Question. Have you any idea of the number of men there were about your house that night?

Answer. I had only the window and the door to look through.

Question. Can you judge at all how many there were?

Answer. Well, sir, from what was said by the old woman who walked through them, and from what I could see out of the window and door, there were a great many men there; they were strung round my house all round.

Question. Did all appear to have guns?

Answer. Pistols and guns together.

Question. Have you any idea how many shots were fired into your house?

Answer. Well, sir, I reckon there were nearly fifty guns.

Question. Do you mean they fired fifty times in all?

Answer. Fifty guns. They were there an hour and a half, and there was not five minutes when they were not shooting.

Question. They kept shooting all the time?

Answer. Yes, sir; my house is shot all over.

Question. Were you hit anywhere except in the arm?

Answer. Yes, sir; I was hit in nine different places.

Question. By nine different shots, you suppose?

Answer. Yes, sir; there were three bullets—one through the thick part of my hip, just above the knee; one right through the muscle of the arm; one cut through the hair, taking skin and all; the balance were shot. I have got a shot now in my left toe, which cannot be got out; it is there among the joints, and it has to stay.

Question. In the first place, these men began to shoot in at the window?

Answer. They first knocked the window open.

Question. Was there more than one window?

Answer. No, sir; only one.

Question. After breaking the door down did they shoot through the door?

Answer. Yes, sir; as soon as they got the door down they commenced shooting through the door, ranging their guns in my house.

Question. There was no light except what the moon gave?

Answer. No, sir; the moon shone so bright on that night, I think you could have seen to pick up a pin; after they left, Miss Sally came out and said, "Ann! Ann!" My wife said, "Ma'am?" (Miss Sally raised her from a little bit of a thing.) Miss Sally said, "Ann, are the children dead?"

Question. This was after the men had gone?

Answer. Yes, sir; my wife said she did not know whether they were or not. "Well," said Miss Sally, "come out, the men are gone; where is Essie?" My wife replied, "Here he is, in here." Then Miss Sally said, "Essie, come out, they are coming back here again to-night." She said, "Are you shot?" I said, "Yes, all to pieces almost; but I have shot somebody too." She said, "How do you know that?" "Well," said I, "Miss Sally, I have been shooting a gun long enough to know when I hit anything." When I shot the man the fire blazed up in his face as clear as you ever saw a match blaze up. Then she said, "Come out." I looked around, and my children were not dead. She said, "Come out, and carry all the children into our house, and let them stay there till day; the men are coming back to burn the house." I thought they were coming back; I told them all to go in the house; I walked around all night; I never slept a bit.

Question. Did your wife and children go to Mr. Finch's on that night?

Answer. Yes, sir; we were within twenty-five steps of his house; and she told us to come into her house.

Question. Was your wife or any of the children hit by the firing?

Answer. No, sir; no one was hit but myself. Mr. Finch said to me, "Essie, don't walk about to-night, because some of them may shoot you, and maybe kill you." Said I, "Mr. Finch, the moon shines bright, and I do not think they can get to me fairly." I walked about all that night; I was guarding the place; they said they were going to burn up everything on the plantation. There is a man that goes by the name of Henry White, that they call Mr. Finch's son, though he was never married; Mr. Finch went over and got Henry White to look at the damage that had been done to my house.

Question. Did White live near there?

Answer. He farmed in the same neighborhood.

Question. Was he a white man?

Answer. Yes, sir.

Question. Did White come over?

Answer. Yes, sir; he came over that night and I showed him how my door was fixed, how I shot, and how my shot ranged when I shot. There were six or seven shot that hit the facing of the door. All the people who came there could not believe that I had shot anybody. But Mr. Finch saw the man fall back, and so did Miss Sally. Sampson Perkins saw the same.

Question. Did you know that man who stood at the door?

Answer. Oh, yes, sir; it was Mr. Joe Clark.

Question. Where does he live?

Answer. He had a little tavern abour four miles from me—maybe a little more.

Question. Is he a white man?

Answer. Yes, sir; he and Mr. Burgess had a sort of little tavern together. Their home is about sixteen or seventeen miles from my house.

Question. Did you know any others of the company?

Answer. Yes, sir; Mr. Benton Knight, Ples Pendergrast, Henry Knight, and Wesley Knight.

Question. Where do they live?

Answer. Not very far—some four miles, some two miles, and one about half a mile from me. We were all boys together.

Question. All the men that you knew were white men?

Answer. Oh, yes, sir; all but Sampson Perkins. They had caught him and brought him to my house.

Question. He is a colored man?

Answer. Yes, sir.

Question. How far did he live from you?

Answer. I reckon about half a mile.

Question. They had been to his house before they came to yours, and they took him and brought him along with them?

Answer. Yes, sir.

Question. He did not belong to the gang?

Answer. Oh, no, sir; they took him and took his gun. Just before they got to the house he said, "Gentlemen, I thought that when you came back here again you were going to fetch my other gun back."

Question. Was he one of the men whose guns they had taken on their first expedition?

Answer. Yes, sir.

Question. And when they took him the last time they took his gun?

Answer. Yes, sir; they took two guns from him.

Question. They took one gun the first time; did he have another gun?
Answer. He bought another afterward.
Question. They took your gun the first time?
Answer. Yes, sir.
Question. Where did you get the gun you had when they came the second time?
Answer. I bought it afterward.
Question. After they came the first time, and before they came the last time, you bought another gun?
Answer. Yes, sir. These men said to Perkins, "We don't know anything about your gun. This is a white man's country; do you know it?" He answered, "Yes, sir; I know it." Then they said, "We want all the guns; we are going into another war." That is what they told Sampson Perkins. When they got nearly to my house—I think about two hundred yards from it—he turned round to look to see the number of men they had gathered after leaving his house and before they got to mine. They asked him what he was looking at. He said, "I am looking to see the men here behind." They said, "Go on and attend to your own business." So he could not see how many there were. He said there were about fifteen at his house, without those that they gathered up between his house and mine.
Question. The company grew larger as they went on?
Answer. Yes, sir. Just before they got to my house he said, "Gentlemen, I like you all; I have nothing against you. How do you expect to get into Essic Harris's house?" They said, "We will get in. We will go in if we have to go in at the top and come down." He said to them, "Essic Harris is a hard-working man who don't bother anybody; all the neighbors know it; and as sure as you poke your head into his house he will hurt some of you." They said to him, "You said the same thing, didn't you?" He replied that he had not said anything about it.
Question. Tell us as well as you can all that these men said while they were about your house.
Answer. When they came I did not speak to them. I never spoke to them the whole time. All that they said was, at first that they were going to kill me, and afterward they said they had killed me.
Question. Did they say anything about what they wanted to kill you for?
Answer. No, sir; they never said that.
Question. Nothing was said about it?
Answer. No, sir; Mr. Finch and Miss Sally both asked what it was for.
Question. What did they say it was for?
Answer. They said, "Never mind; all we want is to get him."
Question. Do you know what it was for?
Answer. No, sir.
Question. Was there any difficulty between you and those men that you recognized or thought you recognized—Clark and the others?
Answer. No, sir.
Question. Had you had any quarrel with any of them?
Answer. There never was any quarrel between us. I never had a falling out with a white man in my life.
Question. You had never had any trouble with any of them?
Answer. No, sir; when I became free my boss said, "You are a free man; go and work and behave yourself, and you will always have protection."
Question. You were formerly a slave?
Answer. Yes, sir; I belonged to William Harris, and I staid with him until after the rebellion. He told me then I was as free as he was. He gave me enough provisions to last for nearly twelve months, and he said, "You can stay on my land, or you can go where you please." He said to me, "Most of the negroes do not think they are free until they leave the plantation on which they were raised." And he told me I might do as I pleased. That year I left him.
Question. Was your wife formerly a slave?
Answer. Yes sir.
Question. She belonged to the Finch family?
Answer. Yes, sir.
Question. It was on the Finch place where you were living?
Answer. Yes, sir. After I went to Leach's and made a crop, Mr Finch came after me and said, "Essic, I want you to go and farm on my plantation. I have got plenty of land there; I have bought some land lately; and there is enough for us all. You come and stay with me, and I will always try to furnish you with horses and land." He furnished me with horses till I was able to buy a horse. I have never had any falling out with him since I have been there. When he is not at home I feed his horses. He is gone a large part of the time to neighbors' houses. I milk his cows regularly morning and night, just as I did in slave times.
Question. Have you any opinion as to why those men came there and made this attack upon you?

Answer. No, sir; I did not have any idea. Mr. Finch told me once, "Essic, there's no Ku-Klux about." We had heard a good deal about the Ku-Klux.

Question. You had heard of the Ku-Klux?

Answer. Yes, sir; we had heard of them here and yon. I said, "Massa, what are we going to do if they do come?" He said, "They won't bother you, or anybody that works and attends to his business." "Well," said I, "Massa, if they come here I am going to run under your bed." But he said, "They will never bother you." After they came that night he said he had thought up to that time that the Ku-Klux were all stopped. I went to Mr. Thomas's the next day. I was going down to the railroad, where I had been to work, for my money. Said he, "Essic, how do you come on?" Said I, "Right smart; but the Ku-Klux came round last night. What do you suppose they came for?" "Well," said he, "I don't know what it was for; but as soon as that burning turned up down here some fifteen or twenty miles, I said that that was going to be the cause of the Ku-Klux rising."

Question. What was that burning?

Answer. The burning of houses and barns. He said that as soon as that occurred he concluded it would cause the Ku-Klux to rise in that neighborhood. Said I, "Mr. Thomas, I am just as much above burning barns as my master?"

Question. Had there been any buildings burned anywhere around in the vicinity where you lived?

Answer. No, sir; I do not think there had been. There was an old black man's house burned the Saturday night before they came to my house. I do not know whether it was set on fire or caught fire. It was some three or four miles away from my house.

Question. Had anybody's buildings been burned in the vicinity of where you lived?

Answer. No, sir.

Question. There had been no difficulty of that sort?

Answer. No, sir; only around at the edge of Wake County, and Chatham; I heard there were burnings there, and that they were taking up a good many of them. But that was a long distance from me.

Question. Fifteen miles away?

Answer. Yes, sir; may be more than that.

Question. Did the men who came to your house that night all have disguises on?

Answer. Yes, sir.

Question. How did you know Clark and the others whom you have said you recognized?

Answer. They had taken their caps off. There was a heap of men there—some of them I would not know.

Question. Some of the men had taken the coverings from their faces?

Answer. Yes, sir; a good many of them.

Question. These men that you knew had taken the coverings off their faces so that you recognized them?

Answer. Yes, sir. Several others took off their caps, but I did not know them.

Question. At what time did they take off the coverings from their faces?

Answer. While they were knocking at the door they got very hot; and when they were shooting in the window they came round and pulled their caps off.

Question. At the time they did that, did they say they had killed you?

Answer. Yes, sir; they said they had killed the old man, and they were consulting about going in.

Question. Have any of those men been arrested?

Answer. Yes, sir.

Question. How many and who?

Answer. They arrested Mr. Benton Knight, Henry Knight, Wesley Knight, Ples Pendergrast, Mr. Clark, and Mr. Burgess.

Question. What has been done with them?

Answer. They were to have their trial this last court at Raleigh.

Question. When were they arrested?

Answer. I forget the time; it was directly after the thing was done.

Question. Where were they taken to?

Answer. They were taken to Raleigh.

Question. Did they remain in jail?

Answer. They staid in jail awhile, and then they were bailed out. I went to Pittsborough that Sunday morning. I was then shot all over, so that I could hardly get along.

Question. That was the next day after you had been shot?

Answer. Yes, sir.

Question. How far was it to Pittsborough?

Answer. About seven miles. I went to get the ball picked out of my arm. Dr. Hanks asked me what was the matter with me. I told him I was shot. He asked me how I came to be shot.

Question. What did the doctor do?

Answer. My arm was swelled so that he did not pick out the ball. Said he: "Essic, do you know them?" Said I: "Yes, I know some of them; and I have shot one or two." I thought it stood in the hands of some of those men to go out and get these men. I did not want to go to Raleigh—I was not able. But not one man moved toward getting these men at all. Said he: "Go and see Mr. Aleck Ramsey, and see what he says about it." I went down to Ramsey's house.

Question. Does he live at Pittsborough?

Answer. Yes, sir. I told him that I had got shot—that I was shot the night before, at my house. He asked whether I knew any of them? I told him I knew some of them. Then he said: "All I have got to tell you is, to carry them to law; that is all I could do when I had the power, and now I have got none." I thought it stood them in hand to seek out these men after I had told them I was shot, for it was almost the same as murder. But no man made any move, and I had to go to Raleigh.

Question. You went to Raleigh yourself?

Answer. Yes, sir; I had to walk about ten miles before I could get on the cars.

Question. How far is it to Raleigh from where you live?

Answer. About forty miles.

Question. You walked ten miles to get to the cars?

Answer. Yes, sir. I did not tell anybody I was going, except my wife.

Question. You had to go to Raleigh yourself to start a prosecution?

Answer. Yes, sir. On Monday I was not able to go; on Tuesday morning I put out and went to Raleigh, and came back on Wednesday.

Question. When you got to Raleigh you made complaint to somebody?

Answer. Yes, sir; I went to Mr. Shaffer.

Question. He issued a warrant, and they were arrested?

Answer. Yes, sir; Mr. Hester said he was coming on Wednesday, but he did not get to the cars soon enough; on Thursday he came up and got these men.

Question. He arrested them?

Answer. Yes, sir; he was out till midnight getting them.

Question. He arrested Clark as one?

Answer. Yes, sir.

Question. Did it turn out that Clark had been shot?

Answer. Yes, sir.

Question. Where was he shot?

Answer. Right in the left breast. When he was shot he was not standing square toward me.

Question. He had the shot in him?

Answer. Yes, sir; he had my shot in him.

Question. How did he say he got shot?

Answer. He said he was going up the river, and that when he was going through Hart's old field—I know the old field mighty well—somebody shot him.

Question. How far is that field from where you live?

Answer. I reckon it is eight or nine miles.

Question. He did not claim that you had shot him?

Answer. No, sir.

Question. What was the name of the other man?

Answer. Burgess.

Question. He is one of the men you saw at the door when you shot?

Answer. Yes, sir.

Question. When they arrested Burgess, did it turn out that he had been shot?

Answer. Yes, sir.

Question. Where was he shot?

Answer. He had his eye shot out. He said he got it hurt by a fish-basket; but at the time he said he got it hurt his fish-basket was never in the water. When Sunday came, Mr. Finch came to my house, and said: "Essie, how do you feel?" I said: "I am mighty bad off." I was barefooted; I could not at that time put on my shoes. He told me I had better go down to Henry Lloyd's, and stay there till morning—not leave there till after daylight—"because," said he, "they won't come to Mr. Lloyd's; they won't think about you being there; but I am afraid they will come back here to-night; they know you are shot, and not using your arm, and they may come back and kill you."

Question. That was on Sunday after the attack on your house?

Answer. Yes, sir. I got my gun; my wife put my shoes on; I told them how to set the door up till next morning, and then I went and staid outside till he left and went into his house; then I went back into my house, because I could not leave my little children there to be killed.

Question. On the night of the shooting after these men went away, your wife and children went over to Mr. Finch's?

Answer. Yes, sir.

Question. How long did they stay there?

Answer. Till next morning.

Question. Then they went back to your house?
Answer. Yes, sir.
Question. Has your family staid there ever since?
Answer. Yes, sir.
Question. Did you go to Mr. Lloyd's that night?
Answer. No, sir. I did not let on to Mr. Finch but what I was going; for I knew it would scare him very bad if I did not go, and he was a very old man.
Question. You went back and staid with your family?
Answer. Yes, sir.

By Mr. BECK:

Question. That was the next night after the shooting?
Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. On what day was it you went to Raleigh?
Answer. I went the next Tuesday. I was not able to go on Monday, and I staid at home.
Question. On what day did you get back from Raleigh?
Answer. On Wednesday—the next day after I went.
Question. And on the next day, Thursday, Mr. Hester, the marshal, came out?
Answer. Yes, sir; he came and arrested them. I reckon he was there till about midnight getting them all up. He got part of them that night, and the next morning he went and got the balance.
Question. Do you know anything about the Ku-Klux doing any violence to any other people than yourself?
Answer. They have whipped and shot some people about there, right bad, and burned some houses.
Question. Have they killed anybody?
Answer. I have heard of them killing them here and yon, but not close to me. There was a black man not far from me, named Anthony Davis. They went one night and got hold of him, and whipped him very bad.
Question. When was that?
Answer. Some six or seven months before they came to my house.
Question. Does Davis reside near to you?
Answer. Yes, sir, right close to me—about four miles off.
Question. Was that done in the night?
Answer. Yes, sir, one Saturday night.
Question. Was it done by a body of men who had disguises on?
Answer. Yes, sir; he said so; he said there were about five of them.
Question. What did they whip him for?
Answer. He did not say what they whipped him for. They whipped him and shot two of his children.
Question. Did they kill them?
Answer. No, sir, they wounded them.
Question. Have you heard any reason why they did that?
Answer. All I know is that Anthony was a mighty man to talk about his manhood. He had been talking of what he had heard, and he had said he would hate to see a man come and butcher up his wife like he had heard tell of their butchering other people. That was all that I ever knew about it. They got hold of that and came there.
Question. He talked considerably about being a free man?
Answer. He said it looked mighty hard to be butchering a man's wife and a man looking right on.
Question. Have you had much to do with politics?
Answer. No, sir; I am no man for politics.
Question. You vote?
Answer. O, yes, sir; I always try to vote.
Question. Which party do you vote with?
Answer. The republican. That is the way I have always been voting.
Question. You do not make political speeches, do you?
Answer. No, sir, I never did.
Question. Have you anything to do with politics except going to vote?
Answer. No, sir; I never did. I have said to a good many people since that affair, that I do not expect to vote any more.
Question. Why?
Answer. The way things are we cannot vote. That is just the way it is. It is not worth while for a man to vote and run the risk of his life.
Question. You are afraid to vote?
Answer. Yes, sir.
Question. State whether the same feeling of fear prevails among the colored people generally in your vicinity?

Answer. I think it does. I have heard a good many of them talk.

Question. Do you suppose that the fact that you vote, and vote on the republican side, had anything to do with this attack upon you? Do you suppose that was the reason?

Answer. None of them ever came to me talking that way. But they have talked to a great many of the colored people about voting the republican ticket, and they said they would come and punish them for it.

Question. Do you think the colored people throughout your neighborhood, so far as you are acquainted, are afraid to vote now?

Answer. Yes, sir; they are afraid to vote. That is certain.

Question. Suppose they should make up their minds to vote the democratic ticket, would they be afraid to do that?

Answer. Well, I do not know, sir; I have never heard much talk about that.

Question. Do they feel that there is more danger to them in voting on the republican side than there would be in voting on the other side?

Answer. Yes, sir; a good deal more.

Question. You say that you are not going to vote any more?

Answer. No, sir; I have said that I did not expect to vote any more. Within the last two years I have moved my voting place to Pittsborough, on account of not wanting to vote where I had been voting. A number of people belonging to the same township—fifteen or twenty—quit voting for the same reason.

Question. You think they are afraid?

Answer. Yes, sir; they would go to other townships and vote. Where I voted there were eight or ten, or maybe twenty, who did not vote at all. Now, I have got so that I am afraid to vote.

By Mr. BLAIR:

Question. Did you know this man whom you said you shot? Had you seen him before?

Answer. I had seen him before.

Question. Where?

Answer. Between my house and Locksville. He was never at my house before—not when I knew it. He had not been in that settlement very long.

Question. You spoke of another man who was shot in the eye?

Answer. That was Mr. Barney Burgess.

Question. Did you know him?

Answer. Sampson Perkins knew him.

Question. Had you ever seen him before?

Answer. O yes; I have bought many a quart of whisky of him.

Question. He kept a grocery in the neighborhood?

Answer. Yes, sir.

Question. Did you ever see him anywhere else except there?

Answer. No, sir; no more than at Locksville, at the mill.

Question. Were you well acquainted with him?

Answer. Well, from the time he was over there, I was right smart acquainted with him. Nearly every morning I would buy liquor from him as I was going to the railroad.

Question. Did he belong to the League?

Answer. Well, I was not acquainted enough with him to know much about that. He just came over to our settlement. He lived some distance from our house. I never follow the white people about anyhow. Some said he did belong to the League. Some said this and some the other. I never make any inquiry about white people's business.

Question. Did not some of the white people belong to the Leagues?

Answer. O yes, sir; a good many of them said they belonged to the Leagues.

Question. The Loyal League?

Answer. Yes, sir. I have heard since that they said he belonged to the League; but I did not know anything about it before.

Question. You heard it afterward?

Answer. Yes, sir; but he did not tell me anything about it.

Question. You bought whisky of him as you went to the railroad?

Answer. Yes, sir.

Question. Did the colored people generally buy liquor from him?

Answer. I do not know. I never saw many there. I never staid long. I do not know that I ever saw many people there anyway.

Question. Was Clark in the same business with him?

Answer. Yes, sir; they were both in cahoot; they owned the same shop. They don't stay in the shop now. They have moved away since the occurrence.

Question. Did Clark also belong to the League?

Answer. I do not know whether he did or not. I never heard much from him only since he has been shot.

Question. Have you not heard since that he belonged to the League?

Answer. I have heard some say he did and some say he did not. I cannot tell whether

he was a member or not. In fact I never inquire much about such matters in regard to white people, because I am not concerned in them; in colored people I am.

Question. You belonged to the League?

Answer. Yes, sir; but I never was in but one white folks' League.

Question. Were any of those men in that League?

Answer. No, sir; in the League I went to there were but three or four white people.

By Mr. BECK:

Question. Have you not been informed since this thing happened that a portion of the men who were at your house committing these outrages upon you were republicans, belonging to the League; that it was a mixed crowd of both parties?

Answer. I do not know so much about that. I never inquired much about it.

Question. Have you not heard it since the occurrence?

Answer. I heard some people talking; but I never inquired. Since the thing occurred I have not inquired of white gentlemen to find out who was a member of the League and who was not. The League ran out. People got so that they quit talking about the League.

Question. You named other men whom you recognized. Do you know their politics?

Answer. Well, sir, I do not know for certain. They voted the conservative ticket. That is all I can tell you. I do not know what sort of a ticket Mr. Clark and Mr. Burgess voted.

Question. Have you ever said to any one that several of the men who attacked you were members of the League?

Answer. Well, there was only Mr. Burgess and Mr. Clark, if any; as to the balance, I never heard any talk about the League at all.

Question. Except as to those two?

Answer. I have heard since that they were members of the League; I didn't hear it before; some say they were not; I don't know what they were.

Question. There was no election coming on at that time?

Answer. I do not know that there was.

Question. An old man who gave his testimony here this morning said something about a fuss in regard to some corn; had you not a brother who had some corn that you had gone and got?

Answer. Anthony Davis had some corn; he fetched it to my house before he left; he belonged to Mr. Davis; those people had a fuss with him, and he had to move out of the neighborhood.

Question. Did they say he had stolen the corn?

Answer. No, sir; he had not stolen it; it was his own corn; he fetched it there for me to sell or keep till he came for it. I went to Mr. Finch and said: "Anthony has some corn; can I put it in the crib till he goes down to the country and comes back?" Said he, "Essic, do just as you please; keep it in your house or put it in the crib." It was Davis's own corn; but as he was moving, he wanted to clean out everything of his own from the white people's kitchen; and these men I suppose had a pick at him.

Question. Do you think the taking of that corn to your house had anything to do with the visit of those men to you?

Answer. I do not know; but they had a fuss with him, and he had to move on account of it; he said so. I was not there when they whipped him.

Question. Do you think your getting that corn had anything to do with it?

Answer. Well, sir, I don't see what else; I don't know whether that was it or not; I don't know what they came to me for; it was said to be because they had a grudge against Anthony Davis.

Question. And you had Davis's corn?

Answer. Yes, sir; I was to take charge of it till he came back.

Question. Was that the corn behind the door?

Answer. Yes, sir; I had shelled some of it and had it in a bag in the house.

Question. Did Davis owe those men anything?

Answer. No, sir; he never owed them anything; if he did, they did not say anything about it to me. After the bringing of his corn there, they came to my house. I took the corn one evening, and the same night they came to my house. The white men hauled the corn there in a wagon. It was no corn that was stolen, but some that Davis had raised. They wanted to carry it out of the white man's kitchen; they wanted the kitchen to cook in. I put it in my crib and took charge of it.

Question. How much of that corn was there?

Answer. I reckon about six barrels.

Question. What became of Davis?

Answer. He went down below there some four miles.

By Mr. POOL:

Question. Had they whipped Anthony Davis previously to that?

Answer. Yes, sir; they had whipped him. He could hardly get a home in the neighborhood. He was almost afraid to stay about there, and he had to move. I took his

corn because he could not get a good price for it; and I told him I would keep it and maybe corn would rise.

Question. Did you hear of anybody claiming that corn besides Anthony Davis?

Answer. No, sir.

Question. There was no dispute about it?

Answer. Miss Lloyd said he was owing her half a dollar; but he was coming back to settle his debts.

Question. Did you ever hear from anybody of any dispute about the corn?

Answer. No, sir; no dispute at all.

Question. Neither before nor since?

Answer. No, sir; he came up and staid awhile, and I carried the corn to the depot for him with Mr. Finch's horse and wagon. I reckon he put it on the train. I have not seen him since.

Question. You said something about Henry Lloyd?

Answer. Yes, sir; Mr. Finch told me to go there, and stay there that night.

Question. Was he a democrat?

Answer. No, sir; a republican.

Question. A white man?

Answer. Yes, sir.

Question. A rich man?

Answer. No, sir; just a common man—just a good liver.

Question. Why did Mr. Finch think you would be safer at Henry Lloyd's house than at Mr. Finch's?

Answer. They had been at nearly the whole settlement except Mr. Lloyd's; they had been pretty much around the neighborhood. He told me I had bettor go there or to Mr. Williams's. Lloyd's was the nearest.

Question. Had Lloyd ever threatened to kill them if any of them came to his house?

Answer. No, sir; I do not think he ever said anything about them.

Question. How many meeting houses were burned in the county of Chatham?

Answer. I do not know how many were burned. There was an old colored man who preached in our church. One of his churches had been burned, and he had to quit that place. It was twelve or thirteen miles above us.

Question. How many have you heard of as being burned in that country?

Answer. A good many.

Question. How many?

Answer. I do not know for certain. I have heard tell constantly of the burning of school-houses and meeting-houses.

Question. As many as five or six?

Answer. I reckon they were that many.

Question. Were they school-houses and meeting-houses used by the colored people?

Answer. Yes, sir.

Question. Within what time have these meeting-houses and school-houses been burned in that county.

Answer. It was done along in last year, and year before last, I think.

Question. Was Mr. Aleck Ramsey a magistrate?

Answer. No, sir; but he was a man who had been going on and speaking against the Ku-Klux for going to colored people's houses and doing so bad. That is the reason why the doctor told me to go to him.

Question. Is Mr. Finch a democrat or a republican?

Answer. He is a democrat; but he never talked to me anything about politics. He always told me, "Essic, you are free and I am free; I never expect to bother you about voting."

Question. How old a man is Mr. Finch?

Answer. I think sixty-one or sixty-two years old.

Question. How old is his sister?

Answer. Some seventy years or over.

Question. They both saw all this that occurred at your house?

Answer. Yes, sir; Miss Sally was walking all through the men till the very last. She said there were nearer forty or fifty than there were thirty. She spoke to me about it last Sunday morning was a week. She said that when her mother died she saw trouble, but since these Ku-Klux had been around she had seen more trouble than she ever had before.

Question. She said there were forty or fifty of them?

Answer. Yes, sir; she said there were nearer that than anything else. She said the death of her mother was nothing to compare with these Ku-Klux. She says she has not had her right mind since; and I don't believe she has. Mr. Finch is the same way.

Question. How many colored people have the Ku-Klux whipped in that county within the last year?

Answer. I do not know. A good many that they have whipped—a heap of them—have gone off.

Question. How many?
Answer. I cannot tell how many.
Question. As many as a hundred?
Answer. I never took any account—a good many left.
Question. How many have been whipped in the county?
Answer. I do not know.
Question. As many as fifty?
Answer. I reckon it is close by that—may be more. I hear tell of whippings every week.
Question. Whippings of colored men?
Answer. Yes, sir.
Question. By Ku-Klux?
Answer. Yes, sir; they say it is by Ku-Klux.
Question. How long has that been kept up?
Answer. I do not know, sir; I think it has been going on now for three years—may be more.
Question. Are the colored people very much frightened there?
Answer. Oh, yes, sir; they are scared badly.
Question. Do they all sleep in their houses?
Answer. No, sir; they say they don't. One colored woman who says she has one or two children, was whipped by the Ku-Klux; and she says she has not staid in her house with her children in a month or two months. She was afraid to stay there.
Question. What was her name?
Answer. Her name was Frances Gilmore.
Question. Is there not a white lady of that name?
Answer. That is Miss Sally Gilmore.
Question. Frances Gilmore is not of that crowd?
Answer. No, sir; she is a colored woman.
Question. How many colored people are there in your vicinity?
Answer. Right around me there are not many—not more than five or six or seven colored men within more than four or five miles of me.
Question. What has become of them?
Answer. They have moved out; some of them have gone away off. Some of them that stay on some other plantations I have not seen for going on two years.
Question. What made them go away?
Answer. The Ku-Klux got so bad that they said they might be punished, and they left; they write back from where they are; some are away down in the cotton country.
Question. Have there been any white men whipped in that county by the Ku-Klux?
Answer. Yes, sir; some few that I have heard of; I have seen some that have been whipped by them very badly, it looked to me.
Question. Have you known any one to be whipped who was not a republican;
Answer. No, sir; I do not know of anybody being whipped except republicans.
Question. You never heard of anybody except a republican being whipped.
Answer. No, sir; I have heard of others being turned out and talked to, but they never whipped them; if they did I did not know it.
Question. Did they take the arms away from other colored people in that county besides yourself?
Answer. Well, sir, I do not know there are more than about two men in that neighborhood besides myself who have got guns. There are not more than four or five guns now in the neighborhood.
Question. Did the colored men about there once have guns?
Answer. Yes, sir; about all of them had guns before.
Question. Their guns have been taken away from them?
Answer. Yes, sir. They took mine away the first time; and they came after this last one, but didn't get it.
Question. Have you heard of any proceedings by the Ku-Klux in other parts of the country?
Answer. Nothing, except that I have been hearing of the Ku-Klux all about. I have never heard anything good. I have been trying to hear something good. I had hoped we were going to hear long ago that they had quit punishing people, but they didn't. I never wanted it to come to this pass. In slave times when I had a master, if a man had knocked my door down, they would have got him, even if he had been here in Washington City.
Question. You mean your master would have protected you?
Answer. Yes, sir; he never would have suffered such things.
Question. Are the colored people in a worse condition now than when in slavery?
Answer. Of course they must be. They must keep their doors barred up. I have had to keep my doors barred. Pretty much all the colored people have their doors barred; they are afraid to keep them any other way.
Question. I understood you to say that a colored woman was ravished by the Ku-Klux?

Answer. Yes, sir.

Question. Did you hear of any other case of that sort?

Answer. Oh, yes, several times. That has been very common. The case I spoke of was close by me, and that is the reason I spoke of it. It has got to be an old saying.

Question. You say it was common for the Ku-Klux to do that?

Answer. Yes, sir. They say that if the women tell anything about it, they will kill them. Miss Sally said she never thought she would have to go out of her own county to get help to keep back her enemies; she always thought the people would stand up to her, and that she would not have to go out of her own county to get help. She thought when the "Yankees" came in and whipped them, she saw a heap of trouble; but she said the "Yankees" were gentlemen compared to these Ku-Klux. She said that she had seen more trouble lately since these men had been there than the Yankees ever made.

Question. How long ago was it that the barn-burning fifteen or twenty miles from you occurred?

Answer. I do not know exactly how long it has been—some time ago.

Question. As much as two years?

Answer. No, sir.

Question. As much as a year and a half?

Answer. No, sir.

Question. As much as a year ago?

Answer. No, sir.

Question. When was it done?

Answer. I think it was a while just before last Christmas. It was not done in my settlement. There has only been one house burned in the settlement I am living in.

Question. I am speaking of the burning of barns up there about Wake County.

Answer. It was done I think just before Christmas.

Question. Have you heard of the houses of colored people being burned?

Answer. No, sir, not particularly. I have heard of houses being burned, and I would not inquire even the names.

Question. Was there any Ku-Kluxing before these barns were burned?

Answer. Yes, sir; they said there was. I had never seen them, though.

Question. Was it worse after the burning of the barns than it was before?

Answer. Well, it looked like the Ku-Klux did get worse, because they came in on me, and I had never seen them before. Of course that is enough to make me think it was worse.

Question. Had you heard a good deal of the whipping of colored people before you had heard of the barns being burned?

Answer. Yes, sir; a good deal.

Question. How long has this Ku-Kluxing been going on in that county?

Answer. I do not know exactly how long it has been going on right there, but it is some two years or better.

Question. Do you know whether it has been alleged that these barns were burned because the colored people had been whipped by the Ku-Klux?

Answer. I do not know, sir.

Question. You do not know whether that was given as a reason?

Answer. No, sir.

Question. Did any one ever accuse you of having anything to do with burning barns?

Answer. No, sir; no man ever accused me of burning up anything, and I never stole anything.

Question. Did your master ever whip you while you were a slave?

Answer. No, sir; he never whipped me.

Question. While you were a slave were you ever accused of stealing or anything of that sort?

Answer. No, sir; when the Yankees came in my master and I hid pretty nearly all he had to keep the Yankees from getting it, and I never told them anything about it. I didn't have anything to say to them anyhow. I would run off to keep from telling them; not that I had anything against the Yankees, but I did not want to go against my master.

Question. Have the Leagues now ceased in Chatham County?

Answer. Oh, yes, sir.

Question. How long since they were broken up?

Answer. I reckon it has been some two years—may be more.

Question. You have not heard of any Leagues meeting in Chatham County within two years?

Answer. No, sir. There may have been some, but I didn't know it. They all died out in my neighborhood a while ago.

Question. Do you know whether the Leagues in the State of North Carolina were all stopped and broken up some two years ago?

Answer. No, sir; I did not know that.

Question. Were you in the habit of attending meetings of the Leagues when they used to have them?

Answer. Well, sir, not like some. I never went any more than about three times; that is about as much as I went.

Question. Did you ever hear people advised in the Leagues to burn houses or do any other mischief?

Answer. Well, the man who was talking said it was not to injure any man; he said it was not to get land or to get money.

Question. What did he say it was for?

Answer. He said we all wanted to live. He said, "I want to live and you want to live." He went on to state things in that way. He said it was to injure no man, white or black. He was nearly through when I got there.

Question. In any League that you attended did you ever hear any advice given to do anything unlawful or wrong?

Answer. No, sir; I never did.

By the CHAIRMAN, (Mr. POLAND:)

Question. You said there were two beds in your house. Where did the beds stand with reference to the door?

Answer. I had a door north and one south.

Question. Which was the door they broke down?

Answer. The north door; they did not break the other door at all.

Question. Where did the beds stand with reference to that door; on which side of the house were the beds?

Answer. On the south side, and on the south side of the window.

Question. On which side of the house was the window?

Answer. The window was at the west end of the house.

Question. And the beds stood on the south side of the room?

Answer. One bed did; the other was on the north side.

By Mr. BECK:

Question. Close to the window?

Answer. Yes, sir; one was right in the window; it is so long that it is partly in front of the window.

Question. Is the fireplace at the other end?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. Were your wife and children all on the same bed?

Answer. No, sir; my children were on the north side, and she was on the south side. My little suckling child she had with her.

Question. Were the beds on bedsteads?

Answer. Yes, sir.

Question. Common bedsteads?

Answer. Yes, sir.

Question. And your wife, who was on the bed on the south side, covered herself up with the bed?

Answer. Yes, sir.

Question. And the children were huddled up on the bed that was on the north side?

Answer. Yes, sir.

Question. Then the firing through the window would not be in the direction of the bed where the children were?

Answer. Yes, sir; they poked their guns through in every way. When they got the door down they could shoot in both ways.

Question. Where did you see the marks made by the shot?

Answer. They were all around in the house. I did not see how they escaped from hitting them.

Question. How high did the shots hit generally?

Answer. About waist high, or a little lower—from that to a little over knee high. They hit my bedsteads and almost everything.

Question. Did the shots go right over the beds?

Answer. Yes, sir; right over the children's heads into the logs.

Question. Did any shots go into the bed where your wife was covered up?

Answer. Yes, sir; there was a slab right at the head, and the bullets went into that; they were picked out the next morning right at her head.

By Mr. POOL:

Question. Did many persons go to see those shots in your house the next day?

Answer. Yes, sir; a good many.

Question. White people?

Answer. Yes, sir.

Question. Did Mr. Finch examine them?
Answer. Yes, sir, he did; also Mr. Williams.
Question. What did they say about the shots not having struck any of the children?
Answer. They said it was just a providential thing that none of them got killed.
Question. Did they see the shots all round the bed?
Answer. Yes, sir; when I went to Raleigh the other day the men were in there; some of them were going to witness it then, and they came in to look at them again.
Question. You say some shots struck the bedstead?
Answer. Yes, sir.
Question. The children were all piled up together?
Answer. Yes, sir.
Question. Did the children make any noise?
Answer. No, sir; they did not make any fuss, only the suckling child. That cried a while, and then it didn't cry at all. The others did not make any fuss at all.

WASHINGTON, D. C., *July* 3, 1871.

JAMES M. JUSTICE sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you reside?
Answer. I reside in the town of Rutherfordton, county of Rutherford, North Carolina.
Question. How long have you resided there?
Answer. I have been living there since the last of December, 1865.
Question. Where had you previously lived?
Answer. I was born and raised to manhood within twenty-five miles of that town, in the county of Henderson, adjoining that county.
Question. You are a native of North Carolina?
Answer. Yes, sir.
Question. What is your business or occupation?
Answer. Till recently I have been a mechanic; I went to a trade at the age of seventeen, and learned a trade in the town of Hendersonville; I moved to Rutherfordton soon after the war, and continued my business as a mechanic there until April, 1868, when I was elected to the legislature of North Carolina.
Question. As a senator or member of the house of representatives?
Answer. As a member of the house of representatives. I took my seat in that legislature on the 1st day of July, 1868, three years ago. Since that time I have been admitted to the bar in the State of North Carolina as a lawyer, and I am at this time engaged in the practice of law in my town.
Question. Are you still a member of the North Carolina legislature?
Answer. Yes, sir; I was reëlected last August, and served during the session of last winter.
Question. To what political party do you belong?
Answer. Do you speak of the new parties since the war?
Question. Yes.
Answer. I claimed to belong, and I have belonged as well as I understood myself, to what we first called the Union party, and since the war to the republican party. I have been nominated and elected as a republican; and I have been a supporter, both by my acts and in my feelings, of the national republican party.
Question. That has been generally understood in your county, I suppose?
Answer. Yes, sir; I have been well understood throughout my State, since I have been before the public, as a republican.
Question. An outspoken republican?
Answer. Yes, sir; I participated very freely in the last presidential campaign in the interest of President Grant. I made several talks, and at several points in my district I met the elector on the other ticket.
Question. The particular subject about which we wish to inquire is in regard to the condition of affairs in your State, and particularly in your section of it, so far as relates to its peace and order, or the contrary, and the enforcement of the laws?
Answer. Well, sir, with regard to some kinds of crimes I think the laws can be enforced in my country; I mean the civil law. Our State courts can enforce the laws as heretofore, with regard to ordinary crimes. But there is a class of crimes in that section of the country that is entirely above and beyond the reach of the civil authorities there.
Question. What class of crimes is it to which you refer?
Answer. The crimes to which I refer are a series of outrages that have been committed upon a great many people by persons who go about in disguise and in the

night. They usually go disguised, masked in some way so as to aid in the concealment of their persons; and they usually commit their depredations about midnight, between midnight and daylight. I have seldom ever heard of an outrage being perpetrated by them before 12 o'clock at night.

Question. Have these bands of disguised and armed men who commit these acts come to have a name and designation in common parlance?

Answer. Yes, sir, there is a common name by which the people at large designate them when they speak of them. What their real name is of course I am not prepared to say. But I can give the name by which all people speak of them, when they speak of the crimes committed by them.

Question. What is it?

Answer. They are usually called Ku-Klux.

Question. How long since those acts of violence, by bands of disguised and armed men in the night time, began in your State?

Answer. They commenced in portions of North Carolina in the fall of 1868; the first instance of which I heard was in the fall of 1868. But they were not very common in North Carolina until the spring of 1869; but since that time, in quite a number of the counties about the center of the State—I can name the counties if desired.

Question. Name them.

Answer. The counties of Orange, Chatham, Alamance, Lenoir, Harnett, Sampson, Caswell, Guilford, Gaston, Lincoln, and Cleveland are the counties to which I refer more particularly, as the first counties where these acts occurred, of which I have heard.

Question. Your county of Rutherford is toward the western part of the State?

Answer. My county joins Cleveland on the west, and is the first county east of the Blue Ridge in our State.

Question. And it is on the South Carolina line?

Answer. Yes, sir, it joins South Carolina on the southern border of the county. On the southwest it joins Polk county, and on the west it joins Henderson county, along the Blue Ridge range of mountains; and on the north it joins McDowell county.

Question. These acts were prevalent in the several counties you have named, before they began in your section?

Answer. Yes, sir; they were very common in Alamance, Caswell, and Orange counties before we had any trouble even in Cleveland, Lincoln, or Gaston.

Question. Have you taken any pains to inform yourself about the doings of these bands of disguised and armed men in either of those counties?

Answer. They have come under my observation to some extent. I have seen a great many persons in Raleigh; I cannot tell how many, who have come there and exhibited their persons to any one who might wish to see them, with their backs lashed, and with wounds from gun and pistol-shots; I have seen a great many colored people, and some white men, who have come to the State capital and made known their troubles there. During the winter of 1869 and 1870, and also the winter of 1870 and 1871 these occurrences were very common; I have seen the wounds on some of the persons.

Question. Did their persons exhibit the appearance of having been scourged, or of their having received gun and pistol-shot wounds?

Answer. Yes, sir; I have seen several pistol-shot wounds; and I have seen quite a number of colored men with their backs severely lashed. I remember to have seen one colored man whose body presented quite a mangled appearance. On his breast were two marks or wounds, which he said had been produced in this way: They jabbed him with the muzzle of a double-barreled gun, and his breast exhibited two small circular wounds; they were healing up then, but they presented the appearance of having been made in that way. And there were a great many other bruises on his body.

Question. Did you learn whether in any of those central counties any persons had been killed by those bands of disguised men?

Answer. I have heard of quite a number of persons having been killed by them.

Question. By those bands of disguised men?

Answer. Yes, sir; put to death in various ways; some by hanging, some by shooting, some by drowning. In some instances, where persons were in jail charged with rape, barn-burning, and other offenses, the jails were broken open, the prisoners taken out, some of them shot, some hung, and some drowned. That is the information I have had from other persons; I knew of none of those things from my own personal knowledge; but that was common information in our county.

Question. Where persons who were killed or whipped by those bands of men, were persons who had not been arrested for any offense, did you learn that they were charged with any crime?

Answer. In some instances they were; but in other instances no crime was alleged against them that I heard. In some instances they alleged crimes, in others they alleged their political principles, as the reason why they inflicted these outrages upon them.

Question. In all the cases you heard of as occurring in those counties, did there seem to be any peculiarity in the choice of the victims, as to what political party they belonged to?

Answer. I have never seen or heard of but one instance of any person except a member of the republican party having been scourged. I make an exception of one instance in the county of Cleveland. I understood that a man there was severely scourged, who I heard belonged to the conservative party; but the men who scourged him told him that they were preachers, and they were scourging him for being a very dissipated man, for having maltreated his wife, and for having associated with bad persons.

By Mr. POOL:

Question. Had he abandoned his wife?

Answer. I do not think he had abandoned his wife. I heard that he was vicious and unkind to his wife, and in the habit of associating with bad persons.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do you understand that these things continue up to the present time in the counties you have named; or have they ceased in those portions of the State?

Answer. In quite a number of counties they have continued until very recently. In some of the counties there seemed to be a time of peace; more especially in the counties of Alamance and Caswell, in which more than a year ago was the most of the trouble in our State. I have heard of very few outrages in those counties since last August.

Question. Is there any special reason for that that you have heard?

Answer. The governor of the State, in view of the trouble in those counties, organized a force of State militia and sent it to those counties, and quite a large number of persons were arrested and held under military guard and in military confinement for some time. And quite a number of them made confessions of having belonged to this Ku-Klux Klan, and I suppose agreed to disband it. They were discharged without any punishment except their imprisonment; I do not think one of them has been indicted in the State courts for any such offense committed there. I believe an effort was made to indict quite a number of them in the county of Caswell, for the murder of Senator Stevens; but my information is that the grand jury ignored the bills.

Question. In all that class of cases of which you have spoken, as occurring in those central counties, has there been anybody indicted and punished for any of those offenses, that you know of?

Answer. I have never heard of any person who went in disguise and committed any of those offenses having been tried, convicted, and punished, except some negroes, who went out as they alleged to do a little work of retaliation on a person who had been troubling them. They were caught and tried, and I think some of them are now in our State penitentiary for that offense. They had disguised themselves in some way, and, as they alleged, they went to retaliate on certain parties whom they accused of punishing them. I will state that when the first outrage of this kind was committed in the county in which I live, our circuit judge had the parties arrested, and a very long preliminary examination was had before him. He held them to trial, and a bill of indictment was found against four or five of the parties charged. At the first term of the court they offered an affidavit for the removal of the cause to the adjoining county. I have been connected with the prosecution of that cause, but it has not yet been tried. At the fall term it was continued on the application of the defendants; and at the last spring term the prosecution was compelled to ask for its continuance on account of the absence of the witnesses; the most important witnesses for the State failed to appear at the spring term, quite a number of them sending word that they were afraid to come; that their lives had been threatened; that they were poor people, and so situated that they could not protect and defend themselves, and for that reason they were afraid to come. One old colored man who had been whipped by these parties, and who says he knew some of them perfectly well, failed to attend the court, and assigned that at the time as the reason.

Question. That was last spring?

Answer. Yes, sir; and Judge Henry continued the case.

Question. That cause was removed from your county?

Answer. Yes, sir; to the county of McDowell, on the affidavit of the defendants.

Question. And this continuance was in McDowell County?

Answer. Yes, sir.

Question. And the cause is still pending?

Answer. Yes, sir; we have had no trial of it.

Question. That was the first case that occurred in your county?

Answer. Yes, sir.

Question. When was that?

Answer. That occurred in February, 1870.

Question. What was that case, as you understand it?

Answer. A number of disguised men, some eight or ten of them, went to the house of a man by the name of McGahey. McGahey was absent at the time, and also his son, a boy of fourteen years of age. They broke open the door, forced their way into the house, and told Mrs. McGahey that they had come there to kill her husband and boy. They called for his gun and pistol, and she said that her husband was absent and had his arms with him. They abused her some; they really did not inflict any wounds on her, but they pushed her back against the fireplace, and shoved her about.

By Mr. POOL:

Question. Was she a white woman?

Answer. Yes, sir. They also went to the house of a widow lady, by the name of Mrs. Jenkins, and whipped an old negro woman who was her cook; whipped her very severely. However, allow me to state that the outrage upon Nelson Birge occurred in the same settlement, about three weeks before that; I was mistaken in that; his was the first case.

By the CHAIRMAN, (Mr. POLAND:)

Question. Go on with the statement of the McGahey case, as you are now upon it.

Answer. This colored woman had belonged to Mrs. Jenkins, who went to the door to see what was the trouble, and they struck her a blow, cutting a considerable gash above her right eye.

By Mr. POOL:

Question. Mrs. Jenkins?

Answer. Yes, sir; and a very respectable woman.

By the CHAIRMAN, (Mr. POLAND:)

Question. A white woman?

Answer. Yes, sir. She stated on her oath that she was sixty-eight years old. She received that wound, and was knocked down on the floor, and bled very profusely. Her husband was a very respectable farmer before he died.

Question. What reason was given for the attack on her?

Answer. None whatever.

Question. Was any reason given for beating the old black woman?

Answer. She stated that the man who whipped her the most said that he was passing through her yard the other night and she had shot at him. The colored woman said, in explanation of that, that she thought somebody was there stealing chickens, and she had fired off a pistol. They went to Almon Owens, a short distance off.

Question. That same night?

Answer. Yes, sir; that same night. He was a white man. He was very badly whipped; I saw his person. They said they whipped him because he informed on some of them who were distilling spirits in violation of the revenue laws. They whipped him on that account, is what was alleged. That is the substance of the outrage for which we have the parties indicted that I have spoken of.

Question. Have you told all they did that night?

Answer. As well as I remember, that covers that night's transactions.

Question. You said that, on reflection, you thought that there was an earlier case?

Answer. Yes, sir; about three weeks before that they went to the house of Nelson Birge, a colored man, and whipped him.

Question. A body of men in disguise?

Answer. Yes, sir; and wearing exactly the same kind of disguise. It was in the same settlement, and generally believed to have been the same party of men. They stated to Nelson Birge that they whipped him for the way he had been voting.

Question. You say Birge was a colored man?

Answer. Yes, sir; quite an old colored man.

Question. Is he a respectable man?

Answer. Yes, sir.

Question. Has anything been alleged against him?

Answer. Nothing in the world. His former master says he is a man of excellent character, and always was so when he was his slave. He was very much enraged about the treatment of old Nelson, and carried him home, and he lives there now.

Question. These disguised men stated to him that they whipped him on account of the way he had been voting?

Answer. Yes, sir.

Question. How had he acted? What are his politics?

Answer. He is a republican, and when he votes he votes for men of the republican party.

Question. Now state the next instance of the commission of any act of that kind.

Answer. I suppose that, on account of the arrests made, and the very earliest manner in which the legal authorities took hold of this crime, we heard very little more of them during the summer.

Question. During the summer of 1870?

Answer. Yes, sir. Last summer we had quite a heated campaign in our State. I was the republican candidate for the house of representatives of the State legislature, and a man by the name of Carson was the conservative candidate. He is a lawyer, a very intelligent man, and a nice man in every way. We made a very thorough campaign of Rutherford County, and I was particularly severe on what are known as the Ku-Klux.

Question. In your speeches?

Answer. Yes, sir. I did not charge Mr. Carson with being one himself; but I did charge that they were supporting him. I did not charge that all democrats were Ku-Klux, but I charged that all Ku-Klux were democrats. I used a great many bitter expressions against them in my public speeches, denouncing them for their crimes, and the trouble and ruin they were bringing upon their section of the State, as well as the trouble they had brought upon our section. I was not afraid of them then; I did not think they had boldness enough ever to go to the extent that they have gone since that. Soon after I left home, about the third Monday in November, almost every letter I received from home——

Question. You left home to attend the session of the legislature?

Answer. Yes, sir; the legislature meets annually on the third Monday in November. I received news very often by private letters, and also through my county newspaper, that outrages were being committed upon prominent republican men, and in some cases upon women also. They always seem to mix this thing up a little; occasionally they will whip a woman; they will go to some place they charge with being a house of ill-fame, and commit some outrage there. I was at home during the Christmas holidays.

Question. Name some of these cases of which you were informed.

Answer. I heard that they whipped one colored man by the name of Martin Doggett; and another named Hamilton; and a colored woman, by the name of Camp, I believe. While I was at home I heard of their whipping a white woman of bad character of the name of Warren. I cannot remember all the whippings I heard of; I might refresh my memory in regard to some of them by a list I have. While I was at home during the Christmas holidays, I found that the condition of our county was growing very bad. I saw that there was a determination on the part of the extreme men to carry this thing on; as I understood, from what I could see done, it was a defiant spirit. Soon after my return to Raleigh again, about the 10th of January——

By Mr. POOL:

Question. Last January?

Answer. Yes, sir; I was informed of repeated outrages, quite a number of them, along the line of Cleveland County, and especially along the South Carolina line. It is proper to state here that Broad River, in Rutherford County, runs parallel with the South Carolina line, and there is a belt of country, from four to six miles wide, between the river and the South Carolina line.

By the CHAIRMAN, (Mr. POLAND:)

Question. The river is north of the State line?

Answer. Yes, sir; that belt of country is rather isolated from the rest of the county, and that section there is a sort of out of the way, back-woods, place. These outrages were very common over there; I am not personally acquainted with the colored men over there; I have twice crossed the river to address public meetings; go there, make my address to the people, and come away the same day. I know a number of white men on that side of the river, but I do not know that I am acquainted with a colored man there. I know that usually about thirty colored men vote the republican ticket at the precinct on that side of the river; and I have heard often that every colored man over there has been whipped.

Question. By these bands of disguised men?

Answer. Yes, sir.

Question. Have you heard that they gave any reason for doing that?

Answer. No, sir; I have not seen any of the colored men who have been whipped; I have seen one old white man who was whipped over there.

Question. Who is he?

Answer. His name is John Nodine. He is a very old gentleman, and quite an intelligent old man; he was in the volunteer service of the United States in the war of 1812; he has been a great reading man until his eye sight failed him; he cannot read much now. But he has been a very earnest advocate of republican principles in that section of the country; a man who has furnished a great deal of information to a class of people around him who cannot read. He has read papers a great deal, and is a great talker, has done a great deal of talking in the interest of his party. I have always regarded him as a very strong spoke in my cause in that part of the county. He was very active in serving the people and giving them information as to what was going on. He told me that quite a large crowd came to his house and broke off the

latch on his door; he said the door was not locked, but it was latched; they rushed in and laid hold of him, and commenced to abuse him for the course he had pursued, and to denounce him as a damned old radical; they abused him a great deal by words. He said that one man told him he had a quarrel with him last fall for this thing. He said they were all disguised, and as his eye-sight was so imperfect he could not tell positively who they were. He said that one man told him he had had a quarrel with him last fall about this thing, and he had come to settle with him about it; I asked him who he was; he said he did have some words last fall with one of his neighbors, the only man he did have any words with. He is a man about like Mr. Nodine, on the other side, a very wealthy man and a very active man, and a very worthy man outside of his Ku-Klux acts.

Question. That quarrel was a political dispute?

Answer. Yes, sir; Mr. Nodine said they did not whip him much; they struck him a lick or two with a stick; they struck around the chair with a hickory switch, and made a red place on his arm. They really did not abuse him much in body, but they abused his feelings very much, and told him that it was for his political course, and that they were going to run him out of there; that he was a bad man, and had troubled the community a great deal. But he has not gone; he is living there now, or was when I left home.

Question. Did they warn him to leave?

Answer. They told him he would have to leave that community.

Question. Did they threaten him if he returned?

Answer. Yes, sir; they said they would visit him again if he returned there and continued in his course. It was some weeks ago that he made this statement to me; but the abuse was some time last winter.

Question. What did you understand was the allegation against the various colored men over there who have been whipped?

Answer. None of the colored men over on that side of the river have ever been brought up before our court on any charge.

Question. Did you learn that anything was alleged against them, except their politics, when they were whipped?

Answer. No, sir; I have never heard what they charged against the colored men on that side of the river. The general impression in the country, when we hear of a whipping, is that it is on account of politics, unless it is explained otherwise.

Question. Have you understood that those men gave any reason for whipping them?

Answer. No, sir; I have not heard that.

Question. Now come on down to later cases.

Answer. I heard of a great many outrages during the winter in Cleveland County, and especially along the Cleveland and Rutherford line. One of the most desperate cases was the whipping of Mr. Martin Hawkins, a white man.

Question. Does he live in your county?

Answer. He lives in Cleveland County, near the line, and is very often in our town. He is a man who goes about with a wagon and sells iron ware; a peddler.

Question. Have you heard any allegation against him?

Answer. No, sir; he is a creditable man, good for ordinary contracts, and understood to be of good character. He told me that some young men in the neighborhood came to him and borrowed his gun and his son's pistol. They were neighbors' boys, and he loaned them the arms they wanted; and a few weeks after that a very large crowd went there—some thirty or forty in number.

By Mr. POOL:

Question. Had the arms that had been borrowed been returned in the mean time?

Answer. No, sir; the arms had not been returned. They whipped him very badly, and also whipped his wife, inflicting injuries upon her from which he says she never will recover; they dragged her down the steps of the house, inflicting a very severe wound on her back, and injuring her legs. I have seen her, but I have not talked with her about it; I have talked with him.

Question. Were the men who did that in disguise?

Answer. Yes, sir.

Question. What was said to him by them?

Answer. They spoke something of his political course; but the most prominent reason they seemed to allege was that he had helped this same man McGahey. By the way, I ought to have stated sooner, that in consequence of what happened to his wife, McGahey the next day took the tracks of the parties in the snow. There was snow upon the ground at the time. Mrs. McGahey said that she knew one of the men very well; that in the struggle the mask was removed from his face, and she recognized him as a person she knew. In consequence of what she said, he followed the young man to his father's house and shot and killed him. For that he was indicted at our court, but fled.

By Mr. BLAIR:

Question. Who; McGahey?

Answer. Yes, sir; I do not know where he has gone, but he left the country soon after the killing, there being a bill of indictment out against him; and last fall his wife moved away. The crowd accused Hawkins of moving McGahey's wife from the country; he said they told him so. And they mentioned other men in the community where she had lived, who they said had participated in her going away, and they said they were going to visit them.

By the CHAIRMAN, (Mr. POLAND:)

Question. What reason did they allege against McGahey?

Answer. Because he had visited one of their friends.

Question. I mean on the occasion of their first visit to him, when they abused his wife?

Answer. They said they were going to kill him and his son.

Question. For what?

Answer. They did not state.

Question. They gave no reason?

Answer. I never heard any reason stated that they gave. On the next day his wife told him that she knew one of the parties to be a son of Randall DePriest; that in the scuffle the covering of his face got turned up, and she knew his beard; that she had known him all his life, and was satisfied that it was Decatur DePriest. He followed the track of the party down to Randall DePriest's house, called Decatur to the door, and then shot him and killed him. He then fled the country. That was in February, 1870; and I think it was in October that Mrs. McGahey left the country with her children; and these parties accused Hawkins of aiding Mrs. McGahey in some way to leave the country.

By Mr. POOL:

Question. What was the nature of the whipping that they gave Hawkins?

Answer. He was whipped with sticks and switches, his body lacerated, his skin cut and mangled; he was bruised and scarred from his knees to his neck, on his breast and face.

By Mr. COBURN:

Question. Did you see him?

Answer. Yes, sir; I saw him some weeks after he had been whipped; I saw on him a great many scars and bruises, having the appearance of being produced by switches and hickories.

By Mr. POOL:

Question. Did they strip him?

Answer. Yes, sir, and whipped his naked back with switches.

Question. Did they tie him?

Answer. I never heard him state whether they did or not.

Question. How long did they whip him; how many lashes?

Answer. I think he says they must have given him two hundred lashes; he says he did not count them, and he did not know that they counted. He said they whipped him very severely; and when I saw him some weeks afterwards his body had the appearance of having been very severely whipped and bruised.

By the CHAIRMAN, (Mr. POLAND:)

Question. State the next case in order of time of which you heard.

Answer. Just before that time a large crowd of disguised persons went to the residence of Colonel John Logan, which is just in the edge of Cleveland County. But Colonel Logan at that time was in the State of Tennessee on some business. He has a colored man who lives with him. His white family consists of three daughters. The girls were at home; and the colored man and his family were in their house. They did not go into the house of the white people, but they went into the colored man's house and committed a robbery there, took a gun and a watch or watches; there were several negroes there who worked on Colonel Logan's farm; they also took some money. They told this boy Cæsar that he must quit voting the republican ticket any more. They caught one colored man and took him out to whip him, as they said; as they were taking him out he broke away from them and run, and they fired quite a number of pistols at him, and shot him in the hip, inflicting a flesh wound from which he has recovered. He left there and came up to the town of Rutherfordton.

Question. Was there any allegation made by them against these colored men?

Answer. They told them it was for voting the republican ticket. Soon after that they met a colored man named Martin Parsons. Martin said he had been making some wooden vessels to sell in his wagon; he had been in that way for several weeks, and had some twelve or fifteen dollars. He had been gone some four or five days on his peddling trip, and was returning at night. It was very dark, and the first he knew his beast stopped; he tried to drive it on, but it would not go. He began to

look, and made out to see that somebody had hold of the bridle. He then looked about him and saw that he was perfectly surrounded by persons, who told him to give up his money. It was dark, and he was in a dark place in the road. He gave up his money and they told him he must not talk about it. He said he went along home. He said that in the course of three or four weeks it began to be rumored about the community that he had told of this thing. One night, as he was asleep in his house, a crowd of men in disguise came in and took him out some distance and whipped him for telling tales, as they said, that he ought not to have told. They said to him that he was a mean fellow, and must leave that community; that he was making a great deal of money on Mr. Byars's land, and would not vote with Mr. Byars, but voted with the Scogginses.

Question. What is the politics of Byars?

Answer. Conservative or democratic; we understand it to be all the same down there. I believe they always write it "democratic conservative."

Question. They charged that he did not vote with Byars?

Answer. Yes, sir; that he was making a great deal of money on Byars's land, and did not vote with him, but that he voted with the Scogginses.

Question. Scoggins was a republican?

Answer. Yes, sir. They asked him if he was not a brother of Scoggins. He said no—that Scoggins was a white man. They said they knew that, but they were brothers.

Question. What did they do with him that night?

Answer. They whipped him some—not so badly as they have whipped a great many. He said that one fellow had him by the arm, and he broke away from him and got into some woods. Soon after that, in March, when he had gone up to court to pay his tax, he says they went to his house and whipped his wife and mother most cruelly, so much so that his wife was insensible for some time. They did not allege any cause for that. They came and inquired for him, and the women told them that he had gone to town to pay his taxes, and then they whipped them. His mother is quite an old woman.

By Mr. POOL:

Question. Are they white people?

Answer. No, sir; black people. He has left his crop there now.

By the CHAIRMAN, (Mr. POLAND:)

Question. Did these men make any allegation against him, other than you have stated?

Answer. None in the world. He is as good a colored man as there is in North Carolina.

By Mr. POOL:

Question. When did this occur?

Answer. In February and March. The first was in February, I think. He is rather a prominent character in religious matters, I understand; is a class-leader, or something of that sort. I have employed him some since he came to town. He was without means, and had to work; and I have hired him to do work in my garden, and have found him industrious and honest.

By the CHAIRMAN, (Mr. POLAND:)

Question. There is no allegation against him?

Answer. I think not; I think he stands fair with everybody.

Question. State any other occurrence of the kind in its order.

Answer. I might go on, by refreshing my memory, and relate instances of that kind for a long time. I think that in the last six months I have heard of sixty or eighty or a hundred cases of a similar character, some in regard to white persons, but mostly in regard to black persons.

By Mr. POOL:

Question. In your county?

Answer. Yes, sir; in my county.

By the CHAIRMAN, (Mr. POLAND:)

Question. Have all these persons, both colored and white, who have been visited and punished in this way, so far as you know, been republicans?

Answer. Yes, sir; I know of no person who votes the democratic ticket having been abused in this way; I do not remember to have heard of any. On my return home, about court week, the spirit of the people seemed to be very bad about our court.

By Mr. POOL:

Question. When was that?

Answer. The term commenced on the fourth Monday in March. There seemed to be a recklessness, a want of regard for the court and the law. There seemed to be a dispo-

sition to get up a row; I really feared there would be one. One young man fired a pistol at a negro right in the street in the court-yard, during court time. He was on his horse when he fired, and rode off. The sheriff with a posse pursued him to the South Carolina line, where he gave up the chase. I heard it threatened that if the sheriff caught him he would be taken out of his hands.

By the CHAIRMAN, (Mr. POLAND:)

Question. Did this young man live in your place?
Answer. He lived in the southern part of the county.

By Mr. POOL:

Question. Did you hear that the sheriff was waylaid?
Answer. The sheriff stated to me that he heard there was a party out that night looking for him. One of the jurors who was summoned—a colored man, who has served on a jury there once or more—I remember to have seen him on a traverse jury once; I do not know but he has been on a grand jury; I know he had been a juror once before—he was summoned and failed to come; he sent word to the court that he was afraid to come; that the Ku-Klux were very numerous in his neighborhood, and they had sent him word by some colored people—by some they had whipped, and by others they had not whipped—that if he went to court they would kill him; that he was a good fellow, and they would not trouble him if he staid at home, but if he went to court they would kill him. He did not come, and a fine was entered against him.
Question. What can you say about the bad state of feeling during the term of the court?
Answer. I heard a great deal of insolent talk about the court.

By the CHAIRMAN, (Mr. POLAND:)

Question. By whom?
Answer. By young men of the conservative party principally. I will instance one case to show what I mean: One man had just gone before the clerk to prove his attendance as a witness. He folded up the ticket, and said it would not be worth a groat, or something of that sort. Said he, "We Ku-Klux will break up this whole damned thing before this is paid."

By Mr. BLAIR:

Question. What is his name?
Answer. His name is Whiteside.
Question. What is his first name?
Answer. He is one of the boys of Washington Whiteside, who is dead; I know the boys, but I do not know their first names.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where is his home?
Answer. In the western part of the county. I heard a number of remarks of a similar character. Mr. Plato Durham was there at court. I did not hear him say a word about Ku-Klux. He gave very little attention to court. But I can tell you what I believe: I believe he was active in initiating and forwarding this organization in my town.
Question. Where does he live?
Answer. In Shelby, Cleveland County. He came there on Monday, and staid there four days. If he transacted any business, it was merely probate business—filing a motion or something of that sort. He occasionally took a seat in the bar, but most of the time he was out. I speak from nothing definite, but from general occurrences. My opinion is, that he was there to further and complete this organization.

By Mr. POOL:

Question. Is he a member of the legislature?
Answer. He was a member, but Colonel McAfee is the present member. This statement I make about Mr. Durham is based on my belief.

By the CHAIRMAN, (Mr. POLAND:)

Question. That is your judgment, from what you saw?
Answer. Yes, sir.

By Mr. POOL:

Question. Is he a leading democrat in that section?
Answer. Yes, sir, a very bitter one, and a very intelligent man. He has been a candidate for Congress there, and claimed to be really elected, last summer was two years ago. I believe Mr. Jones was seated; but it was a close count. Mr. Durham was nominated again last year; but it was thought by his party friends that he had better not run. They called a meeting, and he declined to run on the ground that he was

banned by the fourteenth amendment. He is a leading man, and a very sensible man, and capable of doing a great deal of good or harm, just as he is disposed.

By the CHAIRMAN, (Mr. POLAND:)

Question. After the court was over you returned to Raleigh?

Answer. Yes, sir; and the legislature adjourned a few days after my return. I went home immediately, and arrived home on Saturday night. The legislature adjourned on Thursday night, the 6th of April, and I arrived at home on Saturday, the 8th. On Sunday morning I received news of a very shocking outrage in the lower part of the county, about ten miles from the village, on Mr. Aaron Biggerstaff.

Question. State the substance of that transaction.

Answer. Well, sir, Judge Logan had started to go to Cleveland County to hold court there; Monday, the 10th of April, was to be the first day of the term. He was met at the edge of the county by the daughter of Mr. Biggerstaff, who told him that she thought her father had been murdered, that he would die of his wounds, and she asked the judge to come back to town. He turned back. She made a statement which caused him to issue a warrant and send for the sheriff to summon quite a number of men. I was summoned among others. I went to Mr. Biggerstaff's on Monday. He is a man about sixty or sixty-five years of age.

By Mr. POOL:

Question. Is he a white man?

Answer. Yes, sir; he is quite an aged man, and his hair is very white; he is a farmer; I found him the most shamefully abused piece of human flesh I ever saw.

By the CHAIRMAN, (Mr. POLAND:)

Question. Describe his appearance.

Answer. There were some bruises about his face, not very many; but from his face to his feet the surface of his body was literally cut to pieces. Some places on his back had the appearance—well, I do not know how it could have been done, but there were indentions in his flesh to some depth. His whole body was inflamed, and almost black with bruises and bleeding wounds. On his back, sides, legs, down to his feet, the surface was all cut in pieces. He said he thought two of his ribs were broken. I know that he had a difficulty in breathing, and he was very much prostrated. He was not sitting up exactly, and he said he could not lie down. They had him propped up with pillows. He told us what had occurred.

Question. Give the substance of his statement.

Answer. He says they came there about midnight; his daughter said she counted forty of them, and there were a great many in the road she did not attempt to count; that the road seemed to be full of men and horses.

Question. Were the men disguised?

Answer. They were masked.

Question. Were they armed?

Answer. They were armed with guns and pistols. They brought such a pressure against his door as to cause the facing to give way to which the hinges were attached; I saw the door in that condition on Monday. They found the old man in bed, and they pulled him out of bed and dragged him out into the road in front of the house. There they beat him with hickories and kicked him with their feet for a long time, and then brought him back into the house. They spoke about his politics, and also of his harboring McGahey; they said that he was a bad man, and all such as that. One of them said they had not given him enough, and then they took him out the second time, and he says they beat him very severely. He says they put a bottle or something on his head and applied fire to it, and it exploded with a noise like a gun. He said it produced a very painful feeling in his head; and I noticed that his hair was burned some. He said he did not know what was in the bottle.

Question. Something that exploded?

Answer. Yes, sir. They also struck his daughter, who is the widow of a deceased soldier; her husband was killed in the confederate army. She has one little girl some nine or ten years of age, a bright, intelligent little girl. They struck her a great deal; whipped her about the shoulders.

By Mr. POOL:

Question. The little girl?

Answer. No, the mother of the little girl, a white lady. She said they told her they whipped her for being a witness against them. She was a witness against some parties in a forcible trespass case, which has not yet been decided.

By the CHAIRMAN, (Mr. POLAND:)

Question. She had never testified, but was expected to be a witness?

Answer. She was known to be a witness; she had attended court as a witness. She said they asked her if I had returned home, and she told them that she did not know. They said their purpose was to kill Judge Logan, Mr. Carpenter, and myself.

Question. Is that the Mr. Carpenter who is the editor of a paper in Rutherfordton?
Answer. Yes, sir; the Rutherford Star.

By Mr. POOL:

Question. Is it a republican paper?
Answer. Yes, sir. Mr. Biggerstaff and his daughter both told me that the men said they would kill us, and they seemed to believe it; they seemed to be very uneasy about it, and had no doubt, from what they said that they would kill either of us they could find, but I did not myself think much about it. We arrested a number of the men, not all that were charged, for we did not find all of them.

By the CHAIRMAN, (Mr. POLAND:)

Question. Are you acquainted with Mr. Biggerstaff?
Answer. I have known him ever since I lived in that county.
Question. What is his character as a man?
Answer. I know nothing in the world against him; he is a man of good character, so far as I know. He is a very talkative man; if he heard to-day that the Ku-Klux were going to come about him, he would vow that he would shoot them; he is a very loud-talking man.
Question. Is he republican in politics?
Answer. Yes, sir, a very decided republican. He participated very largely in aiding Union prisoners to escape through that country during the war. There were a great many Union prisoners confined at Columbia, South Carolina, during the war. There was a military field there, a piece of ground upon which they kept the Union soldiers; there was no protection or shelter for them, and no walls around the place. I have seen some of them, and they said there was no trouble in escaping; that some of the guards would get together and go to playing cards, and they could escape quite easily. Quite a number passed through our part of the country. I saw a great many of them, and anybody who was friendly toward the Union people could see them.
Question. And Biggerstaff helped them?
Answer. Yes, sir.

By Mr. POOL:

Question. Did they have a Union society there called the Red Strings?
Answer. At that time?
Question. Yes, sir.
Answer. They had one called Heroes of America, and Biggerstaff belonged to the society.
Question. Was that a society to aid Union soldiers to escape?
Answer. I never had any instructions in the society, but my understanding was that it was in the interest of the Union soldiers. When the Union army came into that country——

By the CHAIRMAN, (Mr. POLAND:)

Question. I think you had better go on with your narrative, and put in the explanations afterward.
Answer. I have heard a number of Mr. Biggerstaff's neighbors, who have lived there for twenty and thirty years, say that he is a man of good character; and I have heard his political opponents swear to the same thing in court; that they knew nothing against his character, except that he was a talky, threatening kind of man.
Question. Some men were arrested for this, and a prosecution was commenced?
Answer. Yes, sir; about twenty were arrested, I suppose. There were others named in the warrant. Judge Logan had them at the court-house, with a guard about them to keep them from getting away, and he had the sheriff actively engaged in arresting more, and a few others were obtained. On Wednesday morning he held them all to bail in a bond of $500 each, to appear before him at a given time, and also to keep the peace, particularly towards Biggerstaff, and towards all people generally, and they were then discharged. Then a warrant was issued, on the application of Mrs. Norvill, the daughter of Biggerstaff; it was issued by United States Commissioner Shaffer, at Raleigh. The deputy marshal came up there with a small detachment of soldiers, eight or ten, and arrested some of the same parties over again, secured some twelve or fifteen more. There was no commissioned officer along, and the sergeant said his time was out, and he would go back without waiting to arrest all named in the warrant. They started back by the way of Cherryville, the depot of the western terminus of the Wilmington, Charlotteville, and Rutherford railroad. The marshal said it was his duty to return the prisoners before the first United States commissioner he could find; he said that he was going to carry them to Charlotte, North Carolina, to be tried before the United States commissioner there. He summoned Mr. Biggerstaff, his wife and daughter, to be at Cherryville the next day, to take the train at 12 o'clock. They got into a wagon to go there, and took along with them a young Mr. Biggerstaff, a nephew of Mr. Biggerstaff, and a Mr. Holland, who, I believe, is a son-in-law of

Mr. Biggerstaff. They went on in their wagon until after dark, by which time they had got into Cleveland County. The soldiers and the prisoners had gone on ahead. Mr. Biggerstaff and his family stopped at night on the roadside, as is the custom of the people in that country when traveling. They stopped at a new cabin that was being built there. The young lady, being very much frightened at the Ku-Klux, refused to stay at the camp, because she had an impression they would be attacked that night, and she went off into the woods by herself. The old man, who was very much crippled, remained in the wagon. The others of the party went into the little cabin that was being built there. The wagon was placed close by the house, and a fire was built on the ground. During the night a crowd came there, some in disguise, but most not in disguise, with arms, and surrounded the house and the wagon. When they went into the house they struck Mr. Holland on the face with a gun and knocked him down. The old lady says that he remained insensible for some time. They pulled the old gentleman out of the wagon and threw him down on the ground, breaking his left arm. They then took the rope he drove his mules with and tied it about his neck and made him run off with them into the woods, saying they were going to hang him, because he had promised them before that he would say nothing about what had been done to him; instead of that, he had told of it, and had their friends arrested, and now, they said, they were going to hang him for it. He said that finally, while they were in the woods, they concluded that they would go back and kill the whole of them. Holland was able to stand up by this time, and they took him, the old lady, and young Biggerstaff out of the house—young Biggerstaff was a one-armed confederate soldier, a brave man, not a coward by any means—they took them out and placed them in the road, as they said, ready to shoot them. About that time one of the mules became excited and commenced making a noise, and the men turned to look at him. As they were looking away, young Biggerstaff broke and ran, and they fired at him; but they did not hit him, and he got away. They then said, "We have played hell now," and upon that ceased to abuse any of the party, but told them to go back to their homes, and not to say anything about this. They told them they could go home and stay there in peace if they said nothing about what had been done there that night. The next morning their mules were gone, but they did not see those parties take them away. They also repeated their threats against Judge Logan and myself that night.

Question. Did they say to these people what would be done to them in case they did not do as they directed them?

Answer. Yes; they said they would kill them if they ever told what had happened; that they must not even go to the court for which they had started, and must not tell what had been done for any consideration whatever. They returned to town, the old gentleman being very sick. The marshal returned his warrant at Shelby, finding a commissioner there.

By Mr. POOL:

Question. What did they mean when they said they had "played hell" when young Biggerstaff got away?

Answer. My impression is that the parties all knew each other, and these parties were aware that young Biggerstaff knew them perfectly.

By the CHAIRMAN, (Mr. POLAND:)

Question. They made use of that expression when he escaped?

Answer. Yes, sir.

Question. They meant that some one had gone who could tell who they were?

Answer. Yes, sir; that is my impression.

By Mr. POOL:

Question. They were not in disguise, all of them?

Answer. Some were; not all. That case was continued in Cleveland, for the reason that Mr. Biggerstaff could not go. They summoned him to go to Cleveland, in fact sent a *capias* for him, but the doctor said——

Question. The United States commissioner at Shelby?

Answer. Yes, sir; the United States commissioner at Shelby sent a *capias* to compel Biggerstaff and his daughter to go and testify before him. Two physicians examined the old man, and certified that he was unable to go. While they were fixing that up, the woman ran away and took to the woods. She was very much frightened, and said it was a plan to have them killed, and that she would not go, and she did not go. I have seen very little of her since.

By the CHAIRMAN, (Mr. POLAND:)

Question. What became of the men who were arrested?

Answer. They were bound over to appear on the 25th of July.

Question. For a hearing before the United States commissioner?

Answer. Yes, sir; since that time there has been a term of the United States court at

Raleigh, and Biggerstaff, his wife and daughter were summoned to appear there. A bill of indictment has been found in the United States court against these parties, and a number of them have been arrested and are now bound over to appear before that court; so that I suppose the examination before the commissioner will have the go-by. In consequence of the numerous troubles that we have had, and the general ruin that seemed to prevail in our county, we who desire to maintain the law thought we had a very strong intimation in the proclamation issued by the President of the United States, in which he enjoins upon all legal officers especially, and upon all citizens to aid in breaking up those bands of bad men, and to aid in putting an end to crimes of that kind. The commissioner of our county is a very clever man, but not of very much ability in the discharge of his official duties. He lives in the country, where he could be very easily attacked by these men, and naturally, like almost every other officer, he shrank from participating in anything of the kind. But some of us went to see him and told him that he must come out and do his duty, or else resign and let another person be appointed in his place, for we must have some protection; we could not live along the way we had been doing. He agreed that if the testimony would justify it he would issue warrants for the arrest of parties, and bind them over. We then commenced operations; I was active in getting out warrants, and was appointed by this commissioner to examine witnesses for the prosecution of these parties. We procured the arrest of quite a number; we had arrested the men who were engaged in the second outrage upon Mr. Biggerstaff. After hearing the testimony for the prosecution—the defendants offered no testimony—they were bound in a bond of $1,000 each to appear before the Federal court that is to sit in the town of Marion on the third Monday of August. We also procured the arrest of a number of others engaged in the cases I have mentioned, and some engaged in cases I have not mentioned.

Question. Persons charged with being engaged in these outrages?

Answer. Yes, sir. When a person came to us and made affidavit that he had been outraged thus and so, and that he knew certain of the parties, we would issue a warrant and have the parties brought to the town for a hearing. The commissioner discharged several of them, but quite a number were bound over; none were put in jail; he was always very kind to them, and if they could not accommodate him with a very good bond, he would accommodate them by taking such a bond as they could give, so as not to imprison any of them. Ever since I have been home from the legislature up till about the last of May, and perhaps the first of June, in consequence of the repeated threats I have heard of, not only by the parties I have mentioned——

Question. Threats against yourself?

Answer. Yes, sir; we would hear almost every day that they were going to make a raid on the town. And in consequence of that Mr. Carpenter, myself, and quite a number of our republican friends have been in the habit of assembling together at the court-house door, or at the steps of the hotel near there, with our pistols and double barrel shot-guns, which we would set away in a room, and remain there until two or three o'clock in the morning. We continued that system of guarding our town for some weeks. I suppose we stopped it about the last of May or the first of June. The last whippings that were done near our town was of a colored man; they whipped him on a Saturday night, and then again on the following Thursday night. That was within three miles of our town, and was the nearest they had approached to us.

Question. What was his name?

Answer. His name was Granville Miller. That was the last whipping I had heard of in our vicinity; I still heard of them farther off. The citizens seemed to be very anxious about the excited condition of things. The merchants, some of them said it was very damaging to have reports go abroad that we were guarding the town; that civil people did not like to come into town even in the day time, when they understood there was anything like militia or a guard in it at night. They assured me of their kind regard, and said they would take me to their houses and protect me.

By Mr. POOL:

Question. Were those persons members of the democratic party?

Answer. Yes, sir. They all said they had no idea that these men would molest me; that they did not believe it was anything but talk; that they did not believe anybody would be so foolish as to come into town and create trouble of that kind; that they would use their influence against it; that they thought I might feel safe to sleep at home, but if I did not, it would give them great pleasure to let me have a room. Three or four of them said that; my brother, who is a very earnest democrat, said I could sleep at his house every night; that he regretted very much to see me and others out there any way, guarding the town. The truth is, I did not feel willing to sleep inside of walls anywhere where they could surround me. We had had a very considerable trial on the Tuesday after the first Monday in June; that was the last trial we had before the commissioner; there were seven young men indicted there, mostly young men, brought up on these warrants, of which I have spoken. We went into the trial; the proof was very strong by several witnesses as to four of them. One of the witnesses

was a Mr. Gillispie, who was visited by them, taken from his house, carried off some distance to be whipped. They told him they thought that two hundred lashes would make a good conservative of him; that he had been a mighty bad radical for a long time, and they thought it was time to put a stop to it. They did not whip him, however. He was one of the witnesses. They made a sort of settlement visit of it, when they are out, going to several houses the same night. There were several attorneys employed for the defense. I appeared for the prosecution, and we had quite a lively trial of it. We discussed several points, and, in the discussion before the commissioner, one of the attorneys appealed to the sympathies of the commissioner for these boys, saying that they were poor and could not give a bond; that they were laboring young men, and as they could not give a bond, if it was required of them, they would be taken from their plows and confined in jail until the term of the court; that it would be a great damage to have the youths of the country, the hard-laboring plow-boys, taken up and imprisoned in that way. He also said he could not see any wrong in those boys, those youths participating in a raid like this that was purely political. By way of reply to that I said, that I sympathized very much with the youths, which I really did; I said that one of them was a relative of mine by marriage, and that no one regretted their condition more than I did; that no one would go further to release them of the difficulty and trouble they were in than I would; that I was very sorry to see the youths of the country plunged into this trouble; but nevertheless, according to the testimony they were guilty, which I very much regretted. I went on as a man will when he gets to talking publicly in that way, and made some pretty strong remarks. I said it was very much like the rebellion; that I believed the secession leaders encouraged the war of the rebellion in 1861, in which they did not themselves go, but pressed forward the poor plow-boys of the country, with what result was well known. I said that, in my judgment, it was the same thing now; that the same secession leaders had organized this midnight and exceedingly dangerous organization, and were pushing the poor men, the laboring men, forward to commit these deeds, and that when the day of trial came their secession leaders would step behind the curtain and say "I had nothing to do with it," and leave the poor boys to suffer. That was the substance of my speech in reply. At least four of them were bound over, and three were discharged, the commissioner taking a very poor bond, as I said before. That was on Tuesday, and the Sunday following was when they made their attack on me.

By the CHAIRMAN, (Mr. POLAND:)

Question. Go on and give us an account of that.

Answer. That Sunday was as quiet a day about Rutherfordton as ever I saw in my life. I rode with my wife five miles into the country to church and returned, and everything seemed as quiet as I had ever seen it. I heard nothing until sundown that could have given me any intimation of trouble, and I failed to take the intimation which I now suppose I then heard.

By Mr. POOL:

Question. Had you ceased to keep guard in consequence of what those gentlemen had said to you?

Answer. Yes, sir; we gave up keeping guard in consequence of the lull which we thought had taken place by reason of the arrests that had been made, and also in consequence of the assurances of those gentlemen; we had done no guarding for two or three weeks; we had not been out at all during that time. Each of us went home, and put our arms where we thought we could readily get them and use them, at least I did; I thought I was very well prepared to make a defense. On Sunday evening, about sundown, I heard the discharge of two guns, or very large pistols, out east of the town, in the direction the Ku-Klux usually came from. I remarked to my wife that it was very strange that persons should be shooting on Sunday. She said that the boys had been shooting so much about there of late, that they did not care anything about the Sabbath, or something of that kind. I did not think of any trouble. Presently, about twilight, I saw some young men, living in the village, coming from the direction of the firing, and I supposed they had done the shooting I had heard; I never dreamed that the firing was intended as a signal; I do not now say that it was; but I have understood that firing a gun at sundown is a signal for a meeting of these men. I retired to bed very early that night, soon after dark, and as it was quite warm I left the windows of my bed-room hoisted. During the night I woke up, and it was raining very hard; I got up and let down the windows. Everything was perfectly still at that time; I saw no lights and heard no noise, except that made by the falling rain. I laid down and went to sleep at once, almost instantly, I suppose. I just remember getting up and letting down the windows; I do not remember lying there awake any time at all. The next thing I recollect was being aroused by a violent crash at the door, and also a regular discharge of guns and pistols, a perfect volley, making a tremendous noise. The idea with me just as I woke up was this: my door is a panel door, with a thick frame and thin panels; my impression was that they were firing their balls through

the panels. I instantly knew it was an attack from these men; I had no doubt about that. My impression was that they were firing through the panels of the door, and that there was a regular volley of balls passing through the entry. But for that impression, which I now think was an erroneous one, I might have made my escape from the house. But believing that there was a regular volley of balls being fired through the entry, of course I could not go through there. I told my wife to remain quiet; that was all I said to her. I got out of bed intending to go across the room and get my gun and make the best defense I could. My door was locked with a very good lock, such as are commonly put on doors; and in addition to that it was very securely propped; I had placed a long piece of timber, nearly as long as the door, up under the top part of the frame of the door, and under it I had put a piece of something, raised it with a brick so as to make it operate upon the principle of a lever. Their custom is to rush against a door and burst it in; and I had intended that plan would prevent them from doing so. But it turned out that they split the panels of the doors with an ax; the ax was struck through the panel right against the prop, and, of course, knocked it away. One panel was knocked entirely out, and the other was split a great deal; and the piece that received the bolt of the lock was broken off. Just as I got out of bed some men came into my room and passed between me and where my gun was. I thought of jumping out of the window, but I did not know what the result might be; my room was in the second story, and I did not know how many men I might find around there. Instantly a man said, "Strike a match; where is the man with the matches?" At that matches were lighted, making the room perfectly light, as matches will; I think two or three were lighted. They stood there in the room, several of them, looking more like a man would imagine that devils would look, than you would ever suppose human beings would fix themselves up to look.

Question. Were they disguised?

Answer. Some had disguises and strange fixings over their bodies. The greatest number had nothing to disguise them except over their heads and faces a mask, as far as I could understand it, with a large crown-piece, and with a very large face. The places where the eye-holes and the mouth were cut was bound around with some reddish stuff; and my idea is that there was either a white strip sown on, and something painted, for a nose. Some had very long white beards; one that I have examined since, that I saw at Raleigh, was made of the tail of a cow. I did not know what it was, but some of them had white beards. Some had horns which were erect; others had horns which lopped over like a mule's ears, and their caps ran up to a point with tassels. One had a red suit out and out—a great deal like those I have seen on clowns in circuses. There were a number of stripes on each arm; I do not know what number; something bright like silver lace, like stripes on a sergeant's sleeves. There was something on the breast of one of them, something round, of a circular form; he stood full in view of me, right before me.

Question. Was there any elegance in the manner in which he was gotten up?

Answer. Yes, sir; it appeared to be a neat concern, much neater than ever I supposed a Ku-Klux disguise would be got up. I could do nothing else but look at them as they all stood there, after the matches were lit. Two of them came forward and said, "You damned rascal, come out." I began begging them to let me alone. They said, "Don't say a word; your time has come." They pulled me where my bed-room leads into the entry, and there I was right in the midst of a gang of them; the entry seemed to be crowded full of them. All seemed to be trying to hit me. I screamed as loud as I could, in order to wake up some persons about me. One person sleeps right on the ground of my building; I can go into his room without stepping on the ground. The first floor of my building is rented for a store; I can go down on to my portico and step right on to the doorstep of a gentleman who sleeps in the saloon there. A little farther off is another neighbor. And then below me and above me and on the opposite side of the street are persons in every house; stores, and offices, and dwellings all about me. One of my nearest neighbors was roused; his wife was very much frightened; and they took their child out of bed, and, the lady in her night-clothes, went up town to her brother's, a quarter of a mile, I suppose. As I learned afterwards, they went up there and said there was a great insurrection of some kind; they did not know what it was, but they thought the parties were after me. When I hollered they struck me with a pistol; I saw the pistol in the man's hand; it was a very large pistol. You will see the scar on my forehead now of the wound made by the blow; it is very nearly healed now. I do not know what part of the pistol hit me. I fell down and became almost insensible. At the same time I think I said, "I give up." I then felt a pounding and beating in my side; I did not know what it was. But my side is very badly bruised, from near the armpit down to the hip, down to the lowest ribs.

By the CHAIRMAN, (Mr. POLAND;)

Question. That was after you had fallen down?

Answer. Yes, sir; after receiving the blows in my side I suppose I was dragged; I have no remembrance of getting down my stairs; I say I was dragged, because I found skin bruises on my legs.

By Mr. POOL:

Question. How was you dressed?

Answer. I had nothing in the world on but a loose shirt that I wear at night; I had no drawers on, only a shirt that came down about to my knees.

By the CHAIRMAN, (Mr. POLAND:)

Question. An ordinary night-shirt?

Answer. Yes, sir.

By Mr. POOL:

Question. Nothing on your feet?

Answer. Nothing at all on but the night-shirt. Some time, either about the time I was down stairs, or somewhere along there, I cannot describe it exactly, I have a remembrance of being asked where my pistol was; and I remember I stated it was perhaps in a drawer in my bedroom. The first that I remember after that distinctly, and I continued to recollect everything very well from that time, I was in the street opposite my own gate. The men seemed to be formed on both sides of me, and one man had hold of each arm. They commenced firing their pistols again; they commenced a regular discharge of pistols, and fairly lighted up the street with the blaze of their pistols; a continuous firing all the way down the street. They commenced yelling; all yelled, I suppose; they made the most hideous screams of exultation, and said that they had got me at last, and they were going to kill me, a damned scoundrel. They asked, "Where is Logan?" That was the first word I remember hearing them speak after I was knocked down by the blow with the pistol. Judge Logan was not at home at that time; young Logan, one of the editors of the Star, was at home. I said, "I suppose he is in his room." They told me to run, and they started forward in a run, pulling me and compelling me to go along with them. I said it hurt my feet so much I wished they would not do that. They said I would not need my feet long; that it would make no difference. I was carried down the street until I came in front of the court-house. The Rutherford Star office is in rear of the court-house. Some of the party turned across and passed along just before the court-house, exactly in the direction of the Star office, crying out "this is the way;" a large majority of the crowd turned off in that direction. A number that I cannot state positively, not more than ten or twelve, went forward with me, two holding me by the arms, some before me, some each side of me, and I suppose some behind me. At the foot of the hill I examined as well as I could with a view to escape; I thought possibly I could jerk loose from those fellows and get away; but I saw I was surrounded by those men. It was raining very hard. They ran with me to a branch, a distance of three or four hundred yards. Across the branch they commenced walking up the road, and began to converse quite freely. They had said very little up to that point.

Question. That was out of town?

Answer. Yes, sir; or rather at the edge of the town, where we consider it a road instead of a street. They commenced talking to me about my political course, and first about the trials. I was first asked what my profession was; I said I was a lawyer. One said, "What kind of cases have you been having lately; what cases have you on hand;" I said, "almost all kinds—from murder down to assault and battery." Said he, "What kind of cases have you been trying lately;" I said, "We have been trying some cases against the Ku-Klux." "Yes," said he, "you are very fond of that kind of practice;" I said "No, not especially so; but I was appointed by the commissioner to discharge a duty of that kind, and I have attempted to do it as I understand it to be right." "Yes," said he, "we know something about that; and you have been making some very strong speeches lately; you are in favor of hanging our leaders. Our party proposes to rid this country of this damned, infamous, nigger government, and you propose to defeat us by hanging our leaders, you damned rascal; you are in favor of hanging leaders and letting the plow-boys go. Now, you are a leader on the other side, and what objection can you make to your being hung, as you advocate the doctrine of hanging leaders." Well, I thought he was getting in on me pretty close, sure enough. I knew from that they had heard what I had said; but I replied that I had never advised anybody to do wrong, whether I was a leader or not. They said I had done some good things. Said they, "You have done some good things, which we appreciate; you had Carson discharged when he was wrongfully arrested."

Question. One of their men?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. He had been arrested?

Answer. Yes, sir; by mistake, by the marshal who was arresting men in the Biggerstaff case. The marshal had a warrant for one of the Carsons, but not for this one; and when I got to the camp I told him this was the wrong one, and he let him go. They said I was very good in some things, but they were going to kill me, and if I had any preparation to make for another world I had better make it then. And I believed

it; I had no hope for my life, unless by some desperate means; I talked, and talked, what I could; I asked them if they would point out an act of my life in which I had wronged them or any one else to the bigness of a pin, or had done a disreputable act, or anything that any man could condemn me for, except my politics. I said if they came to that I would agree that their treatment was just. He said they made no such charge against me; that I was a man they liked in everything but my political course, which was most infamous and troublesome to them; that I supported negro suffrage and negro supremacy. In reply to that I told them that I thought they ought not to kill me for that; that it was not my act; that the negroes received their enfranchisement at the hands of our Government, and that I had supported it as I desired to support all of the laws of the country in which I lived. They said, "Damn such an infamous Government, that would put ignorant negroes to rule over and control white men." And said he, "you are a white man, and are you not ashamed of yourself? You know that you have advocated and supported negroes being put in office over white men, and you can't deny it. And are you not ashamed of yourself?" I told them that I had never supported a negro for office, only where I thought he was qualified for it. They said, "O, yes, damn you, you know a negro is not fit to rule over white men." I cannot state all the conversation that took place. There was considerable conversation on that subject, and in that way; I disclaiming any intention to violate any law, or to do any wrong. I said, "My course may be wrong; but if I have done wrong I don't want to die for it; I want to live; I don't want to be killed for my politics; if I am wrong, convince me of it, and let me live, don't kill me." They said, "No, there are no such terms for you; we know you too well; you have done too much; you need not make any such overtures to us, for there is nothing but death in store for you, and that very soon." This conversation occurred after we had gone up the road, where their horses were. We were first halted by a voice, and the man who had hold of my right arm answered in some strange way, so that I could not tell what he said. The other voice called out, "Who have you?" The man turned to me and told me to tell my name. He tried to talk all the time as if he was an Irishman.

Question. Tried to disguise his voice?

Answer. Yes, sir; He told me to tell my name, or he would shoot me instantly; he told me to speak it out loud, which I did. The whole crowd then raised another yell. A little above where this person halted us we found a parcel of men, I cannot say how many. There were quite a number of men there, and the most of them were holding horses; the road was filled with horses. They seemed to turn the heads of three or four or five horses together, and then one man would hold all the bridles; and so on up the road for a considerable distance. I did not go as far as there were horses; there were some still beyond me, but I was carried past a great many horses. And there were some men around there besides those holding horses. I saw a great many men with pistols. I did not notice any with guns; some I noticed had belts around them.

Question. Were all those men disguised?

Answer. I saw two or three who were not disguised in any way; but while we were in the town I saw none but what had their faces covered. I saw one man over there who had on a white disguise reaching down as far as I noticed; he was a very tall man. When we arrived where the horses were and had this talk, I became very sick; I felt that I should faint; and I really think I would have fainted if I had not been allowed to sit down. I asked the fellow to let me sit down; I said that I felt very sick, and thought that I should faint. He cursed me and said I was putting it on. I said no; that my head was bleeding very much. He said, "It's the damned nigger equality blood that is running out, and it will do you good." But when he saw I was getting weak he let me sit down, and he squatted down and still held my arm. They continued their talk. One man approached me while I was standing up; he had a covering over his face, but nothing over his body. He said to me, "O, you damned rascal, will you believe a nigger's testimony to-night as quick as you would a white man's?" And then I knew who the man was, for in one of the trials this same man, in the same voice and in the same way, had said to me that I would believe a nigger quicker than a white man; and I said no, that I would believe him only when he was telling the truth.

By Mr. POOL:

Question. Who was he?

Answer. John Goode. But when they asked me if I knew them, I told them I did not, and I appealed to my Maker to witness the fact that I did not know them; although I did know some of them.

Question. Why did you do that?

Answer. Because I knew it would cut off my chance to escape, if I said I knew any of them. This abuse and conversation and threatening were kept up, I would say, for thirty minutes; I judge that from the length of time I was gone from home, more than I do from any exact remembrance of the time. I could occasionally hear shouts and

screams of men over in town, and the firing of great numbers of pistols. Presently they all came up who had remained over in town and had gone in the direction of the Star office. When they came up to the crowd a voice called for the prisoner. This man bade me get up, and I rose, and they led me to a little man, who had one of those things on his head, and he had on an India-rubber riding coat. It was raining all the time I was out, raining very hard, and it was very dark, but I had then been out in the dark until I could see pretty well. The little man told me he was the chief of that command, and I think the first thing he said to me, after telling me that, was: "Where did you say Judge Logan was?" I said, "I did not speak of Judge Logan; he is not at home." He said: "You are a damned liar; you said he was in his room." I said: "No, sir. I meant to say that Robert Logan was in his room; Judge Logan is not at home, he is down in Cabarras, at his court." He then commenced telling me how mean I had been in supporting the republican party, and advocating principles that gave negroes the right to vote and hold office; and asked me if I did not know that the Constitution, as they had it before the negroes were free, was better. I told him that very likely it was better: that I had never said it was not better, but that the one we had was lawful, and I had been supporting it. He said: "It will not be lawful long, we are going to break up that damned, infamous thing, and we are going to kill all men like you who advocate and support any such Government or Constitution." I said: "You will have a big task; the Government is very strong. I have been supporting it with a great deal of respect, and I may be wrong in it." He said: "We know all about that; we know our duty, and we will perform it. I have come here to-night with positive orders to take your life; it has been decreed in camp. We can get rid of you to-night, and we know how to get rid of just such men as you." He talked some minutes about that subject, and then said: "Who are the traitors to our interest in this county? There are seven traitors. Who are they?"

Question. Did he seem to be a man of intelligence?

Answer. Yes, sir. He seemed to be a sensible man, and asked questions and made answers like a man of good sense.

Question. Did he appear to be an educated man?

Answer. I think he was; he appeared to be a man of fair education.

By Mr. BLAIR:

Question. Did you know him?

Answer. I did not, and do not now. He was a small man, and had a very pleasant voice. He spoke his words sensibly, and put his questions to me in a sensible way. After he had said a great many things to me, he said, "There are seven traitors to our interest in this county, and you know every one of them; you must tell to-night who they are." I said "I do not know any man who is a traitor to your cause." He said, "You do; you have said things that make us know that you do know something; and now you must tell it." I said, "What remarks I have made about the Ku-Klux have been because I have judged in a general way from talk I have heard; and I have talked it as I understood it to be." He said, "No, that will not do, Hasn't Downey been talking to you?" I said, "No, sir; never on that subject in his life." Said I, "I have heard that Mr. Downey told some tales about your order some time ago, and from his talk I have talked; not from his talk to me, but from his talk to other persons." He said, "Was that Jeff Downey?" I said, "Yes, sir." He said, "We know him, and will attend to his case; we will do our duty toward him."

By Mr. POOL:

Question. Did he say Downey was a member of their order?

Answer. Yes, sir: they said they knew him, that he was a member, and they would attend to him. He then said, "We want to know the other six, and you must tell us about them." I told him that I did not know any other man I said, "There is some other source of information from which I have talked very freely; there was a man from Gaston county up here teaching a school, and he told somebody." I did not tell them how it came to me, because they did not ask me, though I knew. "He told a great deal about your organization, and camps," I said, "and a great many things; but I do not remember the man's name." I have heard it since then, but I did not remember it that night. He said, "Is that all you know about it." I said, "It is." Another thing he said to me: "Were you not a member of the Union League?" I said, "I was." He said, "were you not very active in helping to organize leagues?" I said, "I was." He said, "Now state what oath you took?" I said, "It has been so long since I have seen the oath or repeated it that I do not think I can state it verbatim; but I will give you the substance of the oath, as I remember it to-night." He said, "We have got you on that point; now state it correctly, for we are posted, we have got it; and if you don't state it correctly we will catch you." I went on to state the oath as I remembered it, in substance, not the exact form of it; what I understood to be the oath in the Union League. He said, "Very well; that is all right." He then said, "What will you give if I discharge you without further injury?" I said, "I will give you anything I have in the world; I have noth-

ing out here, as you see, nothing but my shirt." Said he, "Have you not your drawers on?" I said, "No." He said, "I beg your pardon; I didn't know that." I said, anything that I have in my house, or anything that belongs to me, I will give you most cheerfully, if you will turn me loose, and let me go to my home." Said he, "Where is old Biggerstaff?" I said, "I don't know where he is." He said, "O, there is no use in telling me a damned lie; you do know where he is; you have harbored him in your house." I said, "No, I havn't; when he was up here a while ago he staid a night or two at my house; but since then he has moved here, and he has not been at my house since, because he is not able to go out." He said, "I will tell you what I will do now; if you will go and find old Biggerstaff and show him to me, I will turn you loose." I said, "Man, I don't know how I could do that; it would not be fair in principle, in the first place, and in the next place it would be out of my power to find him." He said, "You can do that; your life is sweet, and if you can save it by showing us where he is, you ought to do it." I said, "I will tell you where he is." I was right smart in for a trade just about then, I can tell you. I did not expect that they could get him, for I thought he had run off. I said, "He is in the old hotel near the court-house." He said, "We have searched there for him; in what room does he stay?" I said, "I have seen him in several rooms. He said "Is not there a store-room in which he stays?" I said, "Yes; I have known him to sleep there several nights when he was afraid of you fellows." He said, "We broke that open, but we could not find him; is not there a cellar there?" I said, "I suppose there is, but I do not know where the entrance is." Said he, "Can you find it?" I said, "I suppose I can." Said he, "How many of you men will go back with this man and find Biggerstaff and then let this man loose?" They objected to that, and said that he had come there with orders to kill me, and that he should do it and let them be off. One of them said "Don't you turn the damn rascal loose; he says he don't know any of us, but if you turn him loose he will go right off and swear to every one of us; and he will go off to Washington, in less than a week, and have the troops here and play hell with us, and have every one of us taken up; damn him, kill him now we have got him." The little man said, "Remember our oath; justice, and humanity." I think he repeated that three times. He said, "Here is a man who promises a great deal; I have heard him ask you all here to-night to charge him with any wrong-doing, except his political course, and you have failed to do it; you have nothing against him. Now let us talk about this thing." They answered him by saying: "Every damned rascal we get hold of promises as fair as he does." The man said, "This fellow is a different kind of man; you say so yourselves; if he makes you a promise, I believe he will keep it." And then he again said, "Remember your oath; justice, and humanity." I think he referred to that three or four times. They were loud and clamorous in their protestations against letting me go, and declared that I must be killed. One man, on a horse, declared that I should be killed. This chief man placed four men in a circle right around me and said, "Don't shoot here; you will shoot friends." He then talked with me again about Biggerstaff, and asked if I could not go and find him. Said he, "Our friends have had him twice, and he has promised us both times that he would not tell, and said that he did not know us, and both times he has gone right off, as soon as he could get to the officers, and sworn against us and brought us into trouble;" and then he said to me, "Do you know that our camps have lately all been assembled, and that we have taken a fresh oath to the effect that we will kill every man who swears against us in the United States courts?" I said that I did not know that. He said, "It is a matter of fact. Now Biggerstaff has testified so, not only once but twice, and he has got some of our friends into a heap of trouble, and we will have to kill him. If he leaves this State and goes to another State, all we have to do is to send a decree to another camp there, and they will kill him. And you may as well show us where he is, so that we can kill him, for we are bound to kill him anyhow." I said, "If you desire, I will go and show you the lofts and stables." I confess there was considerable temptation to try and find the old man. I said, "He has gone into the woods, probably, and we can't find him." At this time the clamor was again raised to kill me, and some fellows came up to those men who were around me, and poked their pistols over into my face; and I began to think that this little chief would not be able to do much for me. One of them put his pistol into my face, and said, "These are the tools we work on damned radicals with." The little chief told them to go away, and said, "Where is the chief of Horse Creek camp?" They said, "He is gone up the road." He said, "Is there no officer here?" Some voice replied, I think, that there was a second. He then said to him, "Damn you, take charge of your men, and command them if you have any command over them. I was given this command, and I will be respected. You are the worst men I ever saw." He then renewed his conversation with me about finding Biggerstaff. The men seemed gradually to go away; I did not notice their going much, for I was paying very good attention to the chief, and closely engaged in talking with him, and trying to make some terms with him. I discovered after a while that the men had all gone out of sight, except this chief, and the four men stationed around me. One of them had no disguise at all, except that he had beard all over his face. He was a man about my

own height, but I did not know him. I looked at him good, his clothes, his shape, his face, which I could see very well; of course I could not see his features. Then there was one who had on a white outfit stood by me; then there was another one of them, and one sat on his horse. I think the same man who caught hold of me in my room was the same man who was on the horse. I thought it was the same voice. After the men had all gone out of sight, the chief said to me, "These fellows want to kill you very badly, but I want to save you if I can. I have an absolute order to take your life to-night. But I will tell you something about our rules. We may be ordered to go and whip a man, to give him a certain number of lashes; and he may behave in such a way as to justify our taking his life. Then we may be ordered to take a man's life; but if he behaves so as to justify us we may spare him. I think you ought to be spared, and I want to do it, and I will do it if I can control these men, though they seem to be very ambitious toward you, and I think entirely too much so. You know most of these men, I think, if you could see their faces, for they are men you are acquainted with. But you don't know me; you never saw me until to-night; I have heard of you, and my friends know you well. I think from the talk I have had with you to-night that they are mistaken about you. If you will stop supporting the damned radical party I think you will be all right, and I should like to know you in our order." I said to him, "I have no disposition to be in anything political hereafter; I only want to live." I felt very friendly toward him, and after the crowd had gone away I felt safe; I did not believe then I would be harmed; my mind was collected, and I looked at them as closely as I could.

Question. Did he tell you where he was from?

Answer. The chief said that he and the man without any disguise were from South Carolina. Before we parted he said I must furnish information as to where old Biggerstaff had gone. Said he, "If he leaves the State you will know it, or if he moves into another part of North Carolina you will know it; and you must let us know, for that is one of the conditions upon which you are to be discharged. Get in your buggy next Saturday morning and go to Cowpens battleground in South Carolina." That is where a battle was fought, near King's Mountain, in the old revolutionary war. I said, "Stranger, I can't do that; I am afraid to travel down that road; I have not gone down that direction this spring." He said, "I will make it all right; I will fix it all for you now if you will go, so that you will be in no danger, and you may go where you please." I said, "I wish you would excuse me from that trip; I am too much wounded, and I don't believe you can fix it so that I will be safe." Then the man on the horse said, "I can fix it; do you know where Mrs. Cox's shop is, out on the road?" I said, "Oh, yes."

Question. A blacksmith's shop?

Answer. Yes, sir; about two miles out on the same road where we were then. I said, "I know that very well." "He said, "Next Saturday night, at nine o'clock, do you meet us there and give us this information, and tell us whether Judge Logan has come home or not." Well, the little chief sanctioned that arrangement and said, "That will do; I can't be there; I would like very much to meet this man again, for I like him very much; though I came here to kill him to-night, I would like to meet him again, for I like him very much." He said this to the men, and also said, "Now you must go home; but you must meet him disguised, all of you, remember that." We talked about several things. He said to me, "Are you going to keep your promise? I have saved your life here to-night; but I can kill you now, or turn you loose." I said, "I believe you have saved my life; and if you are ever in trouble and have any need of my assistance in any way, and you know that I can render you any service, let me know in some way that I am under obligation to you, and there is nothing on earth I can do that I will not do for you;" and I felt it then, and I do yet. I will do anything for that fellow, though he came as the leader of that band. He said, "Let us have this all understood; do you promise here now to be a true friend to the Southern cause?" I made an evasive answer, though I was willing to say "yes." I answered in this way, which is the truth: I said, "Yes, sir; I will hereafter be a true friend of "Southern men." That was my answer. He said "Southern cause," but I said "Southern men," which he accepted as an answer to his proposition. He then said, "Will you promise to take no part in the campaign against the convention?" We have a proposition in North Carolina to call a convention to change the constitution.

By the CHAIRMAN, (MR. POLAND:)

Question. That proposition is pending now before the people?

Answer. Yes, sir, and the election is to take place the first Thursday in August. He said, "I know the course you pursued in the legislature on that question. Will you promise to take no part in the campaign against calling a convention in this State?" I made the promise very readily that I would take no part in the campaign. He asked me why I opposed this convention bill so strenuously in the legislature. To that I replied that Mr. Carson, who was the conservative candidate, and myself representing the republican party, both said to the people that we were opposed to a convention.

That came out by my charging on Carson that his party was in favor of changing the constitution, and he denied it emphatically; and he said to the people that he was opposed to changing the constitution at that time.

Question. He said that in the canvass?

Answer. Yes, sir; and both parties in our county having voted for men who had pledged themselves against a convention, I could not feel at liberty to vote for it. I told the man so, and he said, "Very well, that is a good explanation. Now will you abandon it, and let us call a convention? We know very well that if you make an active campaign against us here, we will not be able to carry this county; we have tried you on that. I am sparing your life, and you must promise me not to interfere in this campaign." And I did promise him. He said they could get along very well if Judge Logan, Mr. Carpenter, and myself, would quit our course, and that if we did not do it, we all certainly would be killed. They then again told me not to forget my appointment to meet them on Saturday night. I said, "Men, I am afraid to go out there; I am afraid if I go out there you will kill me." He said, "Can't we kill you to-night?" I said, "Of course, but I am afraid some of those other fellows will go back on your promise and kill me." They said, "No, if you will keep this promise, you are all right, and you need have no fears." I said, "Well, then, tell me how I can be received into your meeting that night; give me some words to say when I am halted at the point where I am to meet you." He said, "When a voice calls out to you 'halt,' you will say 'Number one;' then you will be asked, 'who are you?' and you will reply, 'A friend;' you will then be asked, 'A friend to what?' The answer you will give will be, 'A friend to my country.' You will then be asked, 'How can you prove that?' and you will reply, 'I s, a, y.' That is not our pass-word; I want you to understand that; but you will get through with that. Don't forget what I have told you." And he repeated it a second time, and then said, "I assure you, you will be treated all right that night." After we had some more words in a friendly way, I expressed my gratitude not only to him, but to the men who stood around me, for discharging me. I shook hands with each of them in a friendly way, and told them "Good bye," and they let me go, and I ran home as rapidly as possible.

WASHINGTON, D. C., *July* 5, 1871.

JAMES M. JUSTICE, examination continued:

By the CHAIRMAN, (Mr. POLAND:)

Question. Will you now resume your narative at the point at which you left off on Monday?

Answer. I was making a statement in regard to the outrage upon myself. Would the committee like to hear anything more upon that subject?

Question. The point where you left off on Monday was when you returned to your house.

Answer. Yes, sir.

Question. You saw nothing more of the party after you left them there?

Answer. No, sir; not in any disguise.

Question. You returned to your house at that time?

Answer. Yes, sir; I returned at once to my house.

Question. Have you any means by which you are enabled to state with certainty how long it was after they took you from your house before you returned to it?

Answer. Yes, sir; I have. My family left the house very soon after I was carried out, they said, and went into the house of a neighbor very near by, a short distance off. They all said, my wife and the family where she went, that the clock struck one soon after my family went into the house. After I returned to my house, I searched the rooms there for my family, but found they were gone. I put on some clothes and started out to hunt them. I took a light with me, and went into the street; and they, seeing the light from a window, called me, and I went in. After I had been in there a short time, the time of night was spoken about, and an examination was made, and it was then found to be half-past two by the same clock that had struck one shortly after I was taken out of my house.

Question. So that you probably were gone somewhere near an hour and a half from your house?

Answer. Yes, sir; very near it; more than an hour, but hardly an hour and a half, though very near it.

Question. You spoke of one man in this party whom you knew, and you gave his name?

Answer. Yes, sir; I was satisfied that I knew one, and more than one.

Question. Where did that man whom you named, Mr. John Goode—where did he live?

Answer. I do not know precisely where he lives; I know the community in which he lives; I suppose he lives from twelve to fifteen miles southeast of Rutherfordton.

Question. Do you know anything about the man, what he is, what is his business?

Answer. I think he is a farmer.

Question. Is he a man of some property and substance?

Answer. I do not think he is a man of much property.

Question. How old a man is he?

Answer. I take him to be about thirty years of age, judging from his general appearance only.

Question. Is he one of that class of men who are regarded as outlaws and the offscouring of society?

Answer. He is regarded as an ordinary poor man in the country; I do not know that I ever heard him accused of any crime.

Question. Several witnesses here have given it as their judgment that the men who go out and do these things are men without character and substance, a desperado class of men. Does he come under that category?

Answer. I think there were some of that class of men that visited me; but I am satisfied there were some of a very different class.

Question. So far as I am concerned I do not wish to inquire in reference to individuals unless you are willing to state the names of all you know.

Answer. That is a matter for the committee to determine. I have charged certain individuals with this outrage, in a charge I made before the United States court.

Question. Then you would have no delicacy in stating what you know about them?

Answer. If the committee wish it I will give their names.

Question. State how many persons you recognized, or thought you recognized, in the crowd; give their names.

Answer. I think that I knew some twelve or fourteen of them. It is proper to state here that there are more than that charged in the bill of indictment. Another man who was whipped, and of whom I ought here to speak, knew a portion of the parties, and upon his testimony and mine together a bill was found against some sixteen or eighteen persons; I do not recollect the exact number. Some of the persons whom he charged are men I do not know if I were to see them.

Question. State the names of such as you yourself recognized.

Answer. I thought I saw R. A. Shotwell and Addy Shotwell, as he is called; I do not remember his initials.

Question. Where do they live?

Answer. They live in Rutherfordton, or their father does, and they stay with him.

Question. In the town?

Answer. Yes, sir; they are the sons of a very creditable and good man, I think.

Question. How old are these young men?

Answer. I believe both were old enough for war service.

Question. Were both in the rebel army?

Answer. I think they were.

Question. How old are these young men?

Answer. I suppose Randolph Shotwell is about twenty-eight or thirty years old, and the other I take to be about twenty-five years old; of course I only judge from their general appearance; I do not know their ages precisely.

By Mr. POOL:

Question. What other persons did you recognize?

Answer. I believe that Thomas McIntyre was one.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where does he live?

Answer. He lives some six miles from the village; his mother lives in the village.

Question. How old a man is he?

Answer. I suppose he is about forty years of age.

Question. What is his business?

Answer. He is a very extensive farmer.

Question. Is he a man of property?

Answer. Yes, sir; he owns a good farm in Rutherford County, and belongs to a very respectable family. I must say I was very much surprised when I thought I discovered him in the crowd, for I did not think he would have participated in anything of the kind.

Question. Who else?

Answer. Mr. Ladson Mills, jr.

Question. Where does he live?

Answer. His father lives about eight miles from the village. Young Mills is a partner in business with Lynch & Huffmaster, in the village of Rutherfordton.

Question. He is a partner in a store in the town?

Answer. Yes, sir.

Question. How old a man is he?

Answer. He says he is not twenty-one years of age. I saw the coroner attempt to summon him on an inquest there just before this occurred, and he stated to the coroner that he was not yet twenty-one years of age.

Question. He is quite a young man, then?

Answer. Yes, sir; I would take him to be twenty years old, from what I know of him.

Question. Probably somewhere in the neighborhood of twenty-one?

Answer. Yes, sir; he is a very promising young man, but is rather wild and participates in some dissipations that make him quite a rude man.

Question. Who else did you know?

Answer. Another Mr. Mills, whose father is not now living. He is also in business in town, in another firm; Mr. Ambrose Mills.

Question. How old a man is he?

Answer. I take him to be about twenty-three years of age.

Question. He is a partner in a store in your town?

Answer. Yes, sir; he is connected with a saloon or dry-goods store; he is a partner with some other parties; I do not know that I could state the style of the firm as it is.

Question. Who else?

Answer. A young man by the name of Robert Horton.

Question. Where does he live?

Answer. At that time he was foreman in the Vindicator printing office, a newspaper printed in Rutherfordton. He is a printer, but I do not know where his home is; I do not know where he lives; I have heard that he lived in Georgia.

By Mr. POOL:

Question. What is the politics of the Vindicator?

Answer. It is a conservative or democratic paper.

By the CHAIRMAN, (Mr. POLAND:)

Question. How old a man is Mr. Horton?

Answer. I take him to be about twenty-five years of age; I have not known the man very long.

Question. How long has he been in your place?

Answer. He came there last fall or winter, perhaps the early part of the winter.

Question. Who else did you know?

Answer. There was a man by the name of Amos Owens.

Question. Where did he live?

Answer. He lives on Cherry Mountain, about twelve miles east of Rutherfordton. He is a farmer, a man of some property, and of considerable Ku-Klux fame. He is charged with being in almost every occurrence of the kind that happens in the country.

Question. Reputed to be engaged in all these acts?

Answer. Yes, sir. He is a man of peculiar shape and motion, and especially of peculiar voice.

Question. How old a man is he?

Answer. I should think he is forty-five years old, probably older than that, may be fifty; he has married children.

Question. Who else did you recognize?

Answer. I saw two young men there, Adolphus and Joseph De Priest, sons of William De Priest.

Question. Where do they live?

Answer. They live in the Cherry Mountain settlement, near this Mr. Owens, some ten or twelve miles east of the village.

Question. How old men are they?

Answer. The oldest one, Adolphus, may be twenty-one; the other I do not think is more than eighteen, judging from his appearance; he is quite a youth, a slender, tall boy.

Question. Is their father a man of property?

Answer. He is an ordinary farmer, a man in ordinary circumstances, an independent man at home, makes his support from his farm. He is an old man, and also very much mixed up with these troubles. He is one of the party that I spoke of before as having been indicted in the first case. And this man Owens is also one of the parties indicted in that case.

Question. You did not recognize the old man as being there at that time?

Answer. No sir; I did not see the old man there; if he was there I did not see him.

By Mr. BLAIR:

Question. A man by the name of De Priest was killed by McGahey?

Answer. Yes, sir; he was a cousin of this man; but the one killed, and the father of these boys, lived near together in the same settlement.

By the CHAIRMAN, (Mr. POLAND :)

Question. Who else did you recognize?

Answer. There was a young man I thought was there by the name of Barton Biggerstaff, from the same settlement.

Question. How old a man was he?

Answer. I took him to be about twenty-one.

Question. Is he any relative to Aaron Biggerstaff?

Answer. Yes, sir; he is a nephew; I think his father and Aaron Biggerstaff are half-brothers.

By Mr. BLAIR :

Question. Is his father named Samuel Biggerstaff?

Answer. Barton Biggerstaff is the son of Samuel Biggerstaff; and Samuel is a half-brother to Aaron Biggerstaff.

By the CHAIRMAN, (Mr. POLAND :)

Question. Who else did you recognize?

Answer. I saw there the man John Goode I have mentioned, and a young man who lives in the same settlement, by the name of William Webster.

Question. How old a man is Webster?

Answer. I suppose Webster to be possibly twenty-five years old, but he is a young-looking man for that age.

Question. What is he?

Answer. He is a son of one of the wealthy planters of my county; a young man who I believe owns considerable property himself. I have understood that he had a good property in the county. I know him as a son of old Mr. Webster.

Question. Does he live with his father?

Answer. Yes, sir; I think they live together, and cultivate their lands together; but I have understood that the young man has a portion of the property there as his own.

Question. Who else did you recognize?

Answer. I recognized a man who lives at a precinct called Burnt Chimneys—a man by the name of Gaither Trout, who lives about six miles from Rutherfordton

Question. How old a man is he?

Answer. He is about 28 or 30 years old.

Question. What is his business?

Answer. I think he farms a little; I think he has rented a farm, but for two or three years he has been a country butcher; hauls beef to town for sale two or three times a week; I have bought beef from him quite often, especially last summer. Then there was a young man from the same settlement, a very close neighbor to him, of the name of John Harrill.

Question. How old a man is Harrill?

Answer. I suppose about 21 years old.

Question. What is his business?

Answer. His business is the same as that of this man Trout; he is a small farmer; his father is a very respectable farmer. He has been married for a few years, and is living on a small farm by himself. He and this man Trout have been engaged in this butchering business in company.

Question. Did your recognize any others?

Answer. I think those are all the men I would be willing to say I knew; I had my impression about others.

Question. Did you know the man who talked with you first?

Answer. I thought it was Randolph Shotwell who carried on the conversation in which he told me of the speeches I had made. He attempted to talk with a sort of Irish brogue, but he made a very poor out of it.

Question. You thought he spoke in a feigned voice?

Answer. Yes, sir; his voice was entirely familiar to me, and also his size and general appearance.

Question. He is a man you know very well?

Answer. Yes, sir; I have had very good opportunity to know him; I have seen him at times for four or five years.

Question. Was he present at the trial you told us about?

Answer. I cannot state whether he was or not. A great many citizens were in the court-house, sitting on the seats in the rear of me, and he might have been there.

Question. There was quite a number of people there?

Answer. Yes, sir; quite a number of villagers there.

Question. You do not know whether he was there or not?

Answer. No, sir; my attention was directed to the court. I have seen him there at trials, but I cannot tell whether he was at that particular trial or not.

Question. Were there any others who talked to you except him until you came to the small man?

Answer. Yes, sir; a great many talked to me. I think this man Trout was the first man who took hold of me in my house, and he was one of the last men to leave me. I think he is the man with whom I completed the little arrangement. The chief said he could not be present at our Saturday night meeting after that, and I think this man Trout suggested where I could meet them.

Question. At the blacksmith's shop?

Answer. Yes, sir; I really had no doubt at the time about its being he; I thought I knew him as well as I knew him when I was talking with him about getting a piece of steak in the morning. I felt pretty confident that I was talking to Trout then, though I did not know him.

Question. They pressed you upon that subject of whether you knew them or not?

Answer. Yes, sir; repeatedly.

Question. You thought it was safer to not know them?

Answer. Yes, sir; I was fearful they would not turn me loose if I acknowledged I knew them. They asked me if I would not become a witness here against them about this affair.

Question. By the way, had you been summoned before that time to come here?

Answer. No, sir; I had received no summons. I remember the date of the summons sent from here by Mr. French; it was the 10th of June, and this occurred on the night of the 11th. I had no intimation at that time that I would be summoned here, none in the world. However, it turned out from some cause that the committee here had seen fit to summon me.

Question. You were not aware of it?

Answer. No, sir.

Question. They said something about your coming here?

Answer. Yes, sir; they said I would go to Washington and kick up hell, or something of that kind, in a week, if I was let off. I told them I would not; I had no idea that I would come here.

Question. That was one of the promises you made which you expected to keep?

Answer. Yes, sir; I had no idea in the world of coming to Washington. I had no disposition in the world to tell this thing, and I have none now; I think it would be better for me, infinitely better, not to say anything about it. But when I am brought before legal authority I suppose I have to tell all I know. But I state here that I would greatly prefer to make no statement here or in the court, in regard to the matter.

Question. What did you find out that that party did in your town that night beyond what they did to you?

Answer. Well, sir, Mr. Robert Logan, the junior editor of the paper, came to my house before it was fully daylight and told me that they went into the Star office, but he had not been in there to see what they had done; that he heard them in the office breaking up things. I learned after that from a great many people that the press was broken all to pieces, entirely demolished and destroyed, and the type was thrown into pi promiscuously, and the cases were broken. After I got well enough to go out, I saw it myself; and the door was broken down as mine was.

Question. When did you go to the Star office?

Answer. I think I went on Thursday; my law-books and my office are in a building very near the Star office. General Morgan came to Rutherfordton on Wednesday evening, and I walked with him to my office on Thursday morning, and he and I went into the Star office together; the door was still broken down. Mr. Robert Logan was summoned by the court at Raleigh, and received his summons on Monday morning, an *instanter* summons to appear before the United States court at Raleigh; and he left home that day at 12 o'clock. His printer refused to have anything done in the office, refused to allow any one to fix it up. We found the door broken down and thrown one side, and everything in general confusion. The type cases were split to pieces, some of them with axes. The little arm with the spring which runs out from the handle of the press, that cast-iron part there which receives the spring on each side, was broken off; that seemed to be the only damage done to the press, but that made it entirely unfit for use. The only thing that I noticed about the office that seemed to be in a sound condition was the form. The paper was then being issued; it is a weekly paper, and the inside form was up and a few papers had been printed off on Saturday evening. The form had been run in under the press ready to have an impression taken, and was left in that way. When the spring was broken, of course the top set down on the type, so that that was safe.

Question. They could not get that out very well?

Answer. Perhaps they did not know it was in there; that was found safe. They destroyed a package of papers ready to be issued, either burned them or carried them off. Some days after that I noticed papers strewed in the street and in the direction where they went; a great deal of paper strewed along in the streets and in the mud. Mr. Logan told me they had either destroyed or carried off their books, their subscription list and their other financial books; it was a very material damage to them, he said, for there were several thousand dollars of unpaid subscriptions on the books, which they would never be able to understand, in a great degree.

Question. The books have not been found?

Answer. No, sir.

Question. The only type saved were those which were under the press; the rest of the type you say were scattered about the office?

Answer. The type was piled along pretty much in the middle of the house. The printer told me that there were seven different fonts of type there; I suppose that is different sizes of type; that it was all thrown together, and he said that he considered the time it would take to separate them would be worth more than the type.

Question. It was all mingled together?

Answer. Yes, sir; he said he considered it was worth as much to put the type up in condition again to use it as it would be to buy new type.

Question. That paper was a republican paper?

Answer. Yes, sir.

Question. The editor, Mr. Carpenter, is also clerk of the court?

Answer. Yes, sir, he is clerk of the superior court, and has been elected as such twice by the republican party.

Question. Where was Mr. Carpenter at the time this occurred?

Answer. I think he was here.

Question. As a witness before this committee?

Answer. Yes, sir; he was summoned before the committee a few days previous, probably more than a week before this occurred.

Question. Was anything said to you that night by these men about Carpenter?

Answer. Yes, sir; they mentioned Mr. Carpenter as one of the men they had great objections to, and said they would kill him, as well as Judge Logan and myself, if we did not quit our course.

Question. Was there anything said about his being absent and being here as a witness?

Answer. No, sir; or if they mentioned it, I do not remember it. They seemed to know that he was gone; they said they wanted to get hold of him, but they did not ask me if he was at home, nor did they go to his house.

Question. They seemed to know that he was away?

Answer. Yes, sir; Mr. Carpenter's wife also was away; I had furnished her with a horse and buggy a day or two before, to go to her friends; she was on a visit among her people in the country at the time.

Question. Did you learn, except what they told you, about their making search to find Mr. Biggerstaff?

Answer. I heard Mr. Churchill, and Mr. Allen, who was deputy postmaster—the post office and Mr. Churchill's room are opposite the old hotel where Mr. Biggerstaff lived—they said the men went to that house, that they saw a light passing all through the house.

Question. Was Biggerstaff's family in the house?

Answer. His daughter, Mrs. Norville, was there, and her little girl was very sick. Dr. Crayton had been treating her for some eight or ten days previously; she was convalescent at the time, but still was in bed. She was left in the house; she was asleep when the lady and the old gentleman ran off. When they returned they found her there in her bed where they had left her, not molested at all.

Question. Mr. Biggerstaff was there in the house?

Answer. Yes, sir; he told me that he ran out the back side of the house, and passed just above the crowd as they went down the street with me; he went out barefooted and naked, as I did.

Question. His daughter also escaped?

Answer. She left sooner; she left as they went up the street; she was awake. She says she never sleeps any at night since the trouble; she has always been watching for them. She is certainly very much frightened, so much so that I think she is in great danger of losing her mind; I would not be at all surprised if she did.

Question. She is in great terror?

Answer. Yes, sir, in a perfect state of terror. She said she went back into the fields and got into Mr. Mitchell's plantation, the back side of town, as we call it, into an oat-field. She had her clothes on, for she was not undressed; she took the rain out there, and staid out there till daylight, when the rain had ceased.

Question. She was not in bed?

Answer. No, sir, and she heard the crowd coming up there, and told her father that he had better get off; and she ran off herself.

Question. They did not see the people in the house?

Answer. No, sir.

Question. Were there any indications to show that they had been there?

Answer. I understood all the doors were open. There is a store-room, or a grocery, in the front of the house; the front door of that is a very strong door; then a door enters from the hall of the house, and there is an inside door going from the hall into

the store-room. I understood that they pried open the doors; I have not seen it, but I heard of it.

Question. Did they have to force open the outside door to get in?

Answer. Yes, sir. the doors were all securely propped. This house had very recently, within five or six days, or not more than a week previous to that time, been occupied by Mr. John Eaves; Mr. Eaves was living in the house, occupied some rooms there; it is a very large old building. He became so much dissatisfied with the situation there, he said he thought his family were in so much danger, that he rented a little residence back of town, and had moved out there just before this raid.

Question. Why did he feel in danger; was it because Biggerstaff was there?

Answer. Partly so, and partly because he had also been threatened; he is a United States assistant assessor.

Question. He had been threatened by these men?

Answer. Yes, sir, though they said nothing to me about it; but he had heard of repeated threats, and had been very anxious to break up their plans, or at least to have them stop their depredations upon the people. He had been active in his efforts to secure testimony against them, as I had been.

Question. A word about Mr. Carpenter: has he been an active republican, and active against these parties, so expressing himself in his paper and otherwise?

Answer. Yes, sir, he has indeed been more active probably than any one else in our country. He is a very out-spoken man, and never seems to conceal anything he may wish to do. If he was going to take any advantage of a man, he would tell him of it if he had an opportunity, He seems to speak out freely, to tell anything he has in view. He had been stating that the Ku-Klux would have to give it up; that there would be some two hundred arrested; that he had reason to know that some two hundred in the country would be arrested. I suppose they had got some intimation that he had a list of names perhaps; I have heard that referred to by persons. Before this outrage was committed upon me, persons have asked me where Carpenter had got the list of names, and asked me if I knew whether their names were on it. They asked me that night where Carpenter got his list, and if he got it at Washington. I said that if he had a list I was not aware of it. They asked if I had not heard of the list; I said I had heard something about it, but that I thought it was some sort of bluff talk to make them behave themselves, that I had never seen the list if he had one.

By Mr. POOL:

Question. Do you mean that these things were stated that night when they committed that outrage on you?

Answer. Yes, sir, over on the hill where they had their horses. They also said that Carpenter had been very active in trying to secure the presence of United States troops, and had been up here some time before for that purpose. I made an explanation to them there about his going, that I thought they ought to hear, as they seemed to be angry toward him. I told them he did not start for Washington City, that it was not his mission when he went up to get the troops, as they supposed; that I was present when he received a letter from Judge Logan, and knew what his instructions were from Judge Logan, and where he started to; that he only started to go to Raleigh, and after arriving at Raleigh, the governor being absent, he was advised by parties there to come on here, which he did; and it was a matter of choice on his own expense. They accused him that night with having been sent here by Judge Logan.

By the CHAIRMAN, (Mr. POLAND:)

Question. You say these men were hostile to Judge Logan, and wanted to find him?

Answer. Yes, sir, they said they wanted to find him.

Question. What did they say they were going to do to him?

Answer. They said they were going to kill him; that he should never hold another court in that county.

Question. What was the occasion of their hostility to Judge Logan?

Answer. They mentioned nothing but his political course; they seemed unwilling for him to hold court there.

Question. Had there been any of these cases before him?

Answer. As I said on Monday, he caused parties to be arrested who were accused of the first outrage, and bound them over to appear at court. Our district solicitor sent in a bill of indictment and obtained a bill against six of them. And then when the first outrage was committed upon Mr. Biggerstaff, he issued a warrant for the arrest of those parties and held them under bond to appear before him at some day in the future; I think it was about the 8th of May that he set for the hearing. It has been generally understood that he was very anxious to have them punished if he could do so.

Question. Doing what he could in his official capacity to prosecute persons who had been engaged in these outrages?

Answer. Yes, sir; it has been the general understanding in the country that he would be very obnoxious to them.

Question. Did these men in their conversation about him say anything else against Judge Logan except that he had been very active in this way?

Answer. No, sir; they said nothing about his character or ability as a judge, or anything of that kind, only his political course. They said that if it was not for him, and Mr. Carpenter, and myself, they could manage things in that county as they pleased.

Question. Was Judge Logan a witness last winter before the congressional committee?

Answer. I think he was; I think I remember that he left Raleigh and came here; he was summoned when he was in Raleigh; I recollect it now.

Question. What are the politics of all the men you have named that you recognized in the party?

Answer. So far as I know they are all members of the democratic party, and most of them very active ones.

Question. The whole subject of complaint against you that night was in reference to your political course, and your course in endeavoring to punish the perpetrators of these outrages?

Answer. Yes, sir; those two points were all the objections they raised to me.

Question. That was all they had against you?

Answer. Yes, sir; they told me that otherwise they liked me and had no objection to me.

Question. Did they say anything about wanting to find young Logan?

Answer. The first question they asked me was, "Where is Logan?" I said that he was in his office; I had reference to the young man. When the chief came up to me, after they had been over to the Star office, and had been in town for a time, when he came up to me, about the first question he put to me was, "Where did you say Judge Logan was?" And I said I did not say anything about Judge Logan.

Question. Did this crowd, or any of them, say that they wanted to get hold of young Logan.

Answer. No, sir; young Logan and I have a law office together. There is a space of some few feet, I should say, between the office bed-room and the Star office. When they came to the Star office they were then within fifteen feet of his sleeping-room. He said that he remembered that he had loaned his gun, and also his pistol, and he had nothing in the world to defend himself with, and the front door was not locked; he had gone to sleep without locking it. When he heard them he got up and crept out of the back window and staid out until after they went away.

Question. You did not understand from them that he was one of the men they were seeking to get hold of?

Answer. No, sir; they did not tell me that.

Question. When they came to the Star office, and he heard them, he got out and fled?

Answer. Yes, sir; he did not go out of the lot; there is a fine lot of clover there, and he remained out by the fence in the clover-lot. He said he heard them pounding things in the Star office.

Question. A number of these men you say have been arrested for that attack on you, and what was done on that night; when was that proceeding commenced, and how?

Answer. It was commenced in Raleigh at the last term of the court there. I believe it was on Thursday of the last week of Judge Bond's court in Raleigh that I was sent before the grand jury; that was a week, and from Sunday to Thursday, after the thing occurred.

Question. They summoned you and others as witnesses?

Answer. Yes, sir.

Question. How many of that party have been arrested?

Answer. To my knowledge, there are none arrested on that charge, but some on the Aaron Biggerstaff case, Mr. Biggerstaff having been summoned before this to the court. When they sent to summon me, they also sent to arrest the parties charged in his case, quite a number of them—I think between thirty and forty persons. I think twenty-nine of them were found and taken by the deputy marshal. Of that number four were among those I accused, and I left them in Raleigh. But there had been no warrants served on any one, when I left Raleigh to come here, for what had been done in my case.

Question. Some of the men arrested for the attack on Biggerstaff were of the same party who made the attack on you?

Answer. Yes, sir, four of them; I have no doubt quite a number more were there, but there were only four I was satisfied enough about to make oath against.

Question. Had a bill been found in the United States court against these men before they were arrested?

Answer. Yes, sir, I suppose it had; that was my understanding.

Question. They were arraigned upon a warrant issued on account of a bill being found?

Answer. Yes, sir, a *capias* from the United States court.

Question. Do you know whether a bill has been found against any number of persons for this attack on you?

Answer. I was examined before the grand jury upon a bill for this offense, and I understand —yes, I reckon I might say in an official way, for I think Judge Brooks told me a bill had been found against parties in my case. I was examined on Thursday, and on the train going toward Weldon, Judge Brooks told me that there was a bill found against the party.

Question. Against what number of them?

Answer. He did not state; my impression is that there were seventeen or eighteen in the bill, all the men I have mentioned to you, and those that were mentioned by a Mr. Downey, a man they abused at the same time.

Question. Tell us about what they did to Downey.

Answer. I have stated what they said about his being a traitor.

Question. He was the man they charged with having betrayed them?

Answer. Yes, sir. Downey came to town the next morning after they visited him, about 8 or 9 o'clock, very much enraged, and seemed very mad with me. He came to my house, where I was, and said he had come to see me, and ask me if I had told the Ku-Klux when they had me that he had been telling on them. I told him that I told the Ku-Klux, or the men who troubled me last night, that he had never told me anything; but in consequence of their pressing on me to know why I had said thus and so, I had said I supposed it came from a remark which he had said to other persons. He said that was different from what they told him; he said the men who came to him told him they had hung me, and that before they hung me I had confessed that he told me all about it. He said he told them not to whip him, that he was not guilty of that, that he had never done it.

Question. They went to him after they left you?

Answer. Yes, sir; he lives down on the main road; they all went off, on one fork of the road, about three or four miles from the village. He said he heard a crowd at the road, but only five men came into the house. He said that three were not disguised at all; that he knew them perfectly well; that two of them were disguised, but he was satisfied they were members of his own Klan; that he had associated with them in camps.

Question. Did he give you the names?

Answer. Yes, sir; he said that it was Gaither Trout and John Harrill who had on the disguises, and then he mentioned three young men that I do not know personally when I see them.

Question. Who did he say they were?

Answer. He mentioned James Edgerton; he is a youth going to school in that settlement, not more than sixteen or seventeen years old. I know his father; we were school-boys together.

Question. Where does his father live?

Answer. West of Rutherfordton, some fifteen miles; he is a practicing physician there, and a very clever man, a man I entertain very kind feelings toward; we were school-boys together. And I did not have any idea this boy had any personal feeling against me in the world; I would not know his boy if I should see him. He also mentioned a young Mr. Joseph Bostwick, a son of one of the farmers of our county, who lives near the Burnt Chimneys. Bostwick and Edgerton were both going to the school at Burnt Chimneys, where there is a post office and store, a sort of public place. Then he mentioned a man by the name of Calvin Teal. I do not know him; I have seen some of the Teal boys, and some of them were arrested in the Biggerstaff case, I think, but not this one.

Question. Those were persons you did not recognize, persons you did not know?

Answer. No, sir; I would not know them if they were to come in here to-day. I would not know one of them from another, unless it was from the family resemblance.

Question. What did these men say and do to Downey?

Answer. He said that they told him that in consequence of his delinquency, of his telling about the order, he had to be whipped, that they were going to give him two hundred lashes. He said that he was not guilty; that he was true to the cause, and had never told me anything; which he had not. Some of the five said, "Let him off;" others said, "Give him some anyhow." He said they took some sticks, and beat him very severely; he showed me his body where it was bruised; there was a very severe bruise on his thigh, up near the groin, and some other severe bruises. He said they drew blood in one or two places, but they were mostly bruises, as if he had been hit with a stick. They said, "Behave yourself now, and don't tell any more tales; do not tell this; if you do we will kill you." He told me they had been suspecting him ever since the trial in which his sister was the prosecuting witness. She had been whipped by some men some weeks before that, and she had them arrested.

Question. Whipped by some disguised men?

Answer. One man was disguised; four were not. She said that one had something over his face, so that she could not tell who he was.

Question. Did they take her out at night and whip her?

Answer. Yes, sir; they went to her house very late at night, pulled her out of doors,

and whipped her very severely. She was a sister of this Downey, and was to be married the next day to an old man by the name of Wommack; and she accuses his sons and others of beating her.

Question. They were dissatisfied with the marriage?

Answer. Yes, sir. This man Downey was at the trial, and he sat behind me, just where I sat in the court-house. They introduced quite a number of witnesses to prove an *alibi*. In the examination I asked three of the witnesses if they were not members of this Klan, distinguishing it by the various names, whatever its name might be; describing an order of men that went about at night to do mischief; I asked the witnesses if they were then or had been at any time members of the Klan; and they said before the commissioner that they had not been. I suppose it was in consequence of that that they first doubted Downey; he says they told him so. He says those men that I asked that question of are members of the Klan.

Question. And they supposed that you put those questions in consequence of something that Downey had suggested to you?

Answer. Yes, sir; that he had given me an intimation that they were members, and that I had put the question on that account. He said they had suspected him of that, and that he had expected to be killed by them before they attacked him.

Question. You supposed the attack on the woman was possibly instigated from the fact that she was going to marry this old man?

Answer. Yes, sir; I do not think there was anything political about it. She was a woman of doubtful virtuous habits, and Wommack was a very respectable, but a very old man.

Question. You think it grew out of some dissatisfaction about the marriage?

Answer. Yes, sir, but they allege that they did not do it. If they did I have no doubt they did it in order to break off the marriage; I cannot see any other cause, for she did not vote or represent any voting interest in any way. When Downey came to town he was very angry. He said he thought the Ku-Klux was a good thing, but that he did not believe they ought to whip him, that he was not a bad man; that he did not care how much they did whip the damned radicals. He came to town the next morning, and his cursing was because they had whipped him.

Question. He thought it was better medicine for other people than for himself?

Answer. Yes, sir; that is the way he talked. He might have been drinking; he talked loud, and was cursing on the street. There was another man whom I recognized that night, and whom I charged in the warrant. There was a young man in town the next morning, and Downey got talking with him. I saw them out on the street from my window, and Downey was cursing him.

Question. Who was that man?

Answer. William Tanner, jr.

Question. Where does he live?

Answer. About three miles from town.

Question. What is he?

Answer. I think he lives with his father; I hardly know what to say his father is. He has been a man who filled office there; I think he is a kind of contractor, and probably farmed some.

Question. How old is the young man?

Answer. I think he is twenty-two or twenty-three years old; I think he voted in our precinct at the last election.

By Mr. BLAIR:

Question. Do you say that you recognized him?

Answer. Yes, sir, but I forgot to mention his name among the others.

Question. He was cursing him about their having whipped him?

Answer. He said, "Damn you, you do know they ought not to have done it; you know, whether those other men knew it or not, damn you." It is in consequence of that that I recognized him. He is a man of peculiar voice and shape, and I have often seen him, and I was very well satisfied that I knew him.

By the CHAIRMAN, (Mr. POLAND:)

Question. Did you hear what Tanner said to Downey?

Answer. He did not say anything; he seemed to listen. After Downey had got through his talk Tanner turned away a little and said, "I believe I will go now; I believe Jeff will let me off." That was the last I saw of him that day. This young man Harrill, I understand, left the country a day or two afterward, mostly in consequence of the trouble with Downey, I suppose. Downey had got a pistol somewhere, and boldly proclaimed that he was going to shoot the first man he found who was in that party.

Question. Of the party that attacked him?

Answer. Yes, sir; he said his chief told him that he would be killed; that if he was going on that way there would be no doubt about it, they would be sure to kill him; that he was a friend of him and wanted to put a stop to it. He said that upon that

they got up a meeting in the woods. There were quite a number of the den; he always calls them dens when they meet together. Quite a number met, but none of those he had recognized. It was there agreed that he should give up his disguise to the chief, return his pistol, and they were to be friendly after that.

Question. When did Downey say that meeting was?

Answer. He said it occurred on Wednesday night, I think, and the trouble on Sunday night. He said he talked to the men at that meeting and agreed to make no further fuss if they would let him alone, not kill him or hurt him any more; that he would just drop it and go on and be a good faithful member. He said they required him to bring his disguise to the chief, and to return the pistol. He said he had returned the pistol, and had also placed his disguise where it would be convenient to bring it to his chief. I believe he stated that he told his chief, in the first talk he had with him, that he, the chief, knew who all the party were, and that if he did not tell him, he would give him till night to tell him, and if he did not do it he would kill the chief; that he had been outraged for nothing, and he would fight it out with him. The chief then went to work to make up this compromise. He said that on Thursday night, when it got dark, he was going to deliver up his disguise. But Thursday afternoon he was arrested, or taken with a *capias* summons by the United States marshal, and the marshal told him he must give up his disguise to him, and he did so. So the marshal got it and brought it up to Raleigh.

Question. And Downey was summoned to Raleigh?

Answer. Yes, sir; he was not a witness in anything; he declined to tell. He said that if he told what he knew about the Klan generally, they would kill him sure on his return home. Judge Brooks declined to require him to tell anything except that he went before the grand jury and told something in the case he was called there for. I do not know what he told about that.

Question. You do not know what he testified there?

Answer. No, sir; I know he went in immediately after I did.

By Mr. BLAIR:

Question. You know, however, that the five men who he said assaulted him were included in the indictment?

Answer. Yes, sir; they were included in the indictment by the solicitor. Downey and I were summoned as witnesses. The solicitor had a conversation with both of us and drew his bill as he thought necessary, I suppose, from our conversation. I do not know whether they got a true bill against the parties he recognized or not. I do not know anything about that.

By the CHAIRMAN, (Mr. POLAND:)

Question. You have stated a considerable number of instances of whippings and acts of violence committed upon persons in your county by these bands. Have you stated all the instances of which you have knowledge?

Answer. No, sir, indeed I have not; I wish to make some further statements. I think the most flagrant and desperate outrage that has been committed there was committed by men in no disguise, and the parties accused are republicans. I would like to state all about that; I wish to give the statement just as I know it.

Question. Go on and make your statement.

Answer. Some time in April, or about the first of May—I do not remember the date precisely, but it was just along then—some parties went to the house of an old colored man who lived about eleven miles from Rutherfordton, in the direction of Marion, northwest of Rutherfordton. The woman who lived with him was a white woman, a woman of very low character from her infancy up, a very ignorant woman. She lived with this colored man, and I think had some children by him, how many I do not know; but, at any rate, he had all his children there, four in number. He was killed at night, soon after dark, and the woman was shot, the ball striking her about the forehead and passing around under the skin; it did not enter the skull, but she received a very severe wound, I have understood. I have seen the woman since that, but I have not examined the wound. The physician said that her neck was badly cut, but they failed to cut the neck vein. The three oldest children were killed, and the infant received a very severe cut. The house was set on fire, and then the party left. She says that she lay pretending to be dead, in order to get them to let her alone; but as soon as she left she discovered that her baby was not killed, and she got up and got hold of the next youngest one, that was killed, a little girl, and dragged it from the house off to the edge of the yard, but could not take it any farther. She examined all the rest and saw that they were all killed. She got away in some way, some half a mile or more, and made her trouble known. In fact, the neighbors had heard the firing of the pistols, and had seen the light of the burning house. The next morning they sent up a magistrate, and also a sheriff very soon after. She accused two young men by the name of Columbus and Govan Adair, and a man who lived in McDowell County, by the name of Martin Bennard. She said she saw those three men; she said she heard the dog bark, or something of that sort, and she looked out through a little crack, and

saw those three men. She was sitting at the supper table when she heard the noise, and she said when she looked out of the crack a pistol was fired and the ball hit her on the head.

By Mr. POOL:

Question. What was her name?

Answer. Her name was Polly Steadman, and the colored man was named Silas Weston. He and three of his children were killed outright. The magistrate went up and examined the woman, and issued a warrant, and deputed some men, before the sheriff got there, to go down to Mr. Adair's, a little more than a mile from where this thing occurred. They found Govan Adair there at work, and Columbus was in bed sick. They arrested them without any trouble; they made no resistance; they said they were not guilty. After the sheriff arrived he sent some men up to the gold mines in McDowell County, some four or five miles away, after Bennard, and they told him that he was charged with this crime, and that he must go down to answer to it. He came down; and those three men are now confined in our jail, or were confined there when I left home.

By the CHAIRMAN, (Mr. POLAND:)

Question. Those were the three men that she said she saw and recognized?

Answer. Yes, sir.

Question. Does she say there were others there?

Answer. No, sir; she said she only saw these three men; they were not disguised in any way, and she knew them. It was an outrage that seemed to shock the susceptibilities of our people more than anything else that has occurred.

Question. These men claimed that they did not commit this outrage?

Answer. Yes, sir; they deny it.

Question. It seems to rest mainly upon the testimony of this woman?

Answer. Yes, sir. From my own knowledge, this negro and the Adair boys had always been very friendly; they usually voted together; the Adairs always voted the republican ticket, and this old black man had done so ever since he had been allowed to vote. So, as far as I know, they were friends. It is alleged as a cause for the outrage that he was likely to be a witness against the Adair boys. It has been published in the papers that they were charged in the court with stealing brandy; that this negro had been distilling for some parties there, and was a witness. The fact about it is that Govan Adair and Bennard were charged last fall with stealing a keg of brandy from two young Morgans. The Morgans were also republicans; one of them the township constable. And they and the two Adairs had been good friends, and lived near together. They say that they had a keg of brandy stolen and a crowd of them went to Bennard's a night or two afterward and found Bennard drunk. They took him out without any warrant, or authority to do so, and threatened him, and he confessed that he and Govan Adair stole the brandy, and told them where to find it; and they found the keg there about the place where he told them.

Question. Here was a very cruel and bloody murder, and the persons charged with committing it are arrested and in jail?

Answer. Yes, sir.

Question. There is nothing in relation to that transaction but what the law is taking its course?

Answer. Yes, sir, it is taking its due course; I have no doubt that if they live they will have their trial at the September term of the court.

Question. And this woman says that the three men were not disguised?

Answer. She says that they were not disguised at all, but were in their ordinary clothes, and that she knew them very well. I suppose she had a very good opportunity of knowing them, because she lived near them.

Question. Have you made any calculation or enumeration as to the number of outrages that have been committed in your county?

Answer. Since I have been here and thinking of the subject, knowing that I should be asked to make a statement, I have made up a list with the view of stating them.

Question. How many such cases have you heard?

Answer. I could not state definitely.

Question. About how many?

Answer. I would say that there have been hundreds of cases of violence in my county by disguised parties. I can mention the names of quite a number of parties who have been whipped, some who have had their arms taken, others taken out and threatened, and school-houses burned.

Question. How many school-houses have been burned?

Answer. I have heard of two school-houses and one church of colored people having been burned.

Question. In your county?

Answer. Yes, sir.

Question. You have learned it in such a way as to have no doubt of it?

Answer. There is no doubt about the burning.

Question. Is there any doubt about the buildings being purposely burned?

Answer. No, sir, of course not. As I understand, a notice was posted up at one school-house, down in the main Ku-Klux range, as we call it, in the lower end of the county, to the effect that if the teacher continued to teach school there for three weeks longer, they would burn the house. He continued the school, and after the third week was out the house was burned according to the promise in the notice that was put up on the school-house.

Question. Was there any motive assigned for that, that you heard of?

Answer. I heard no motive expressed.

Question. There was no apparent motive except that they did not want colored children taught?

Answer. No, sir. Another little house was burned that I heard of in that direction, some few miles from there, that some colored children had been taught in. And this colored church, I suppose, was a pretty comfortable building of the kind.

Question. Where was that?

Answer. Down in the same direction, not so far off. A colored man told me that he was a member of that church; I saw him going to meeting down there, and asked him where he was going. He was asking for a buggy, and I told him that I thought the church was burned. He said it was, but that some white men down there had told the colored people that if they did not continue to worship at that place they would make them do it, would abuse them if they did not. I said I should not like worshiping there after the house was burned. He said that they had had one meeting in the grounds where the church stood. And they burned the house of a colored man named Amos Moore.

Question. Where was that?

Answer. Down in this same direction, in the piney mountain country. They went to a house and whipped a colored woman named Adeline Beam. She said she lived in sight of the new house Amos Moore had built, but he had not moved into it. They asked her whose house that was, and she told them that it was Amos Moore's. She said they then gathered up a chunk of fire from her fire-place, and she saw Moore's house on fire soon afterward, and it was burned that night.

Question. Was there any charge against this colored woman?

Answer. Yes, sir; there was a charge against her. She was a very black woman, quite black, and she had a baby that was very white, that favored white folks very much in color. She was a woman who had been the house servant of a very respectable gentleman in the country, a very creditable man indeed. I think he is as substantial and prominent a citizen as there is in Rutherford. He lives in the lower edge of Rutherford County, adjoining Cleveland. This colored woman had been raised by him and had been his house servant. By some trickery she gave birth to a very light-colored child. She said she was told that if there was no swearing about the child there would be no whipping by the Ku-Klux. Our law is that the mother shall charge on oath the illegitimate child on the father. She said she was told by the white folks that if there was no swearing about the child there would be no whipping. And she had moved away up to where her brother and mother lived, and was living there. They came in and whipped her at night, and told her not to talk so much about the young men in the country, or something of that kind. She said she had been afraid they would whip her, and had never told who was the father of the child, and never intended to. She does not tell now. She moved to our village, and I have hired her to wash for my wife; she is a very good hand to work. That is the way I have had an opportunity to get a statement from her about her abuse.

Question. What did they burn Moore's house for?

Answer. I have heard no statement about that; there is no charge against Moore; he is a working man, and I have never heard of his being accused of any violation of law, or trouble, at all.

By Mr. POOL:

Question. How long ago was this?

Answer. This all occurred from last February up to May; these things of which I am now speaking, the burning of the house and the whipping of Adeline Beam. In that same community they went to the house of a man named Thomas Wood.

By the CHAIRMAN, (Mr. POLAND:)

Question. When was that?

Answer. It was in March, about the last of March. They went there, and went into his house and told him to make up a light, a thing they usually do where they are not frightened or afraid. If they had given me an opportunity to make up a light, I would have made it different with them. They told him to make up a light, and he went through the passage-way into another room, as he told them, to get some pine. When

he got out there he slipped out of the back door and ran off. They told his wife that they would call for him again in a week. About a week from that time a crowd came again and caught him and whipped him.

Question. Was he a colored man?

Answer. No, sir, he was a white man. They whipped him pretty smart and abused his wife some, pulling her and knocking her about. I do not think there is any crime charged against him. He is a sort of lazy, do-nothing kind of young man; his wife was a very respectable, nice girl. Her father and mother are dead, and left her some property, and they lived on the place.

Question. He is a little shiftless and indolent?

Answer. Yes, sir; a kind of do-nothing, easy fellow. He is a republican.

Question. Was there any allegation of harm against him?

Answer. No, sir, none that I heard of. He promised them not to tell about it, and he will not tell. I believe his wife would tell who they were if she was taken into court. They said they would do nothing more to him if he did not tell about it. Very recently, and the last outrage I heard of in that country before they came to my house, they whipped a little fellow by the name of Joseph Tessanier.

Question. Is he white or colored?

Answer. He is a white man.

Question. Where was that?

Answer. Down in the piney mountain country.

Question. About when was that?

Answer. It was about the last of May—no, it was in June.

Question. How long before the outrage on yourself?

Answer. Just before. We had had one of the parties arrested; there were only three went into his house.

Question. What did they do to him?

Answer. They beat him. One of them went in without any disguise on, and told him that he wanted to show him something; he was a neighbor's boy up there that he knew very well, and invited him out of the house. He stepped out, and one of them struck him with a piece of fence rail, he said. He got into the house, and his wife barred the door, so that they failed to get in. At last they told her that if she would let them get a drink of water they would go away, and not trouble Joe any more. This man Tessanier had been married only three weeks. At last she said that if they would certainly keep their promise she would let them have a drink of water, but if they made any fuss she would not open the door. They said they would go away then. She opened the door and one of the men took her out of the house, and then struck him and hurt him very badly; I think they picked up a stool and hit him on the head with it.

Question. You said this boy was not disguised who came in there first?

Answer. No, sir.

Question. Were the men disguised?

Answer. I think they were. They have all run away, except the one who put the girl out of the house. He said he wanted to turn State's evidence and tell about the rest.

By Mr. POOL:

Question. How many were there?

Answer. There were two Brookses and a man named Bridges. The marshal got in sight of them in a field, but they got away from him. He sent one of their brothers for them, and said if they would give up he would not hurt them. They sent word to him that they would meet him at a certain point in the road the next morning; he went there but they were not there, and he was told that they had left the country.

By the CHAIRMAN, (Mr. POLAND:)

Question. What did they do this for?

Answer. When this young man was married he got a man by the name of Scoggins to go to the village and get a license. We have a law there that marriage licenses shall be granted by the register of deeds. Mr. Scoggins went to town and got the license, and was at the marriage. Tessanier told Scoggins that the Beam boys and the Brooks boys and this Bridges, and some others, were fixing a plot to kill him that night, and he had better look out.

Question. To kill Scoggins?

Answer. Yes, sir; they had threatened Scoggins a great many times. He had been in constant terror of them for months; I do not suppose he had slept in his house a half a dozen nights for months.

Question. What did they want to kill Scoggins for?

Answer. Because he is a very bold, determined republican. That is all that has saved him, his lying out of nights. They have been on his premises twice, but not near enough for him to fire on them.

Question. Tessanier told Scoggins they were going to kill him?

Answer. Yes, sir. He went away from the marriage and afterwards met one of the

Beam boys in the road and asked him what they meant by fixing up a plan to kill him. They denied it and said Tessanier was a liar, and they were going to whip him for it. In consequence of that a portion of them did go and inflict punishment on him. I cannot remember now———

Question. It is hardly worth while to go into a narratation of each particular transaction. Can you give a judgment as to the number of outrages of this character committed in your county by disguised men?

Answer. Do you wish to have all in one place, or all in one night?

Question. Wherever bodies of disguised men have gone in the night time and committed unlawful acts. How many of those transactions have there been?

Answer. I think there have been several hundred of them.

Question. In your county?

Answer. Yes, sir; my opinion is that there are a great many that have never told of it.

Question. Do you think there are hundreds of cases that have come to your knowledge?

Answer. I cannot say that hundreds have come to my knowledge, I think more than a hundred have.

Question. You have already heard of over a hundred?

Answer. Yes, sir; of raids. What is called a raid is a night's trip; an outrage committed at A's house, and another at B's house, &c.

Question. You mean what is done in one night?

Answer. Yes, sir; they may commit twenty violations of law in one night.

Question. They do as many as they can in one night?

Answer. Yes, sir; they sometimes go to a half a dozen houses in one night.

Question. This murder of the colored man and his children was committed apparently without any political purpose; and in that case the law is being put in force?

Answer. Yes, sir.

Question. Against whom have this class of offenses committed by bands of disguised men generally been directed?

Answer. In my county they have universally been against republicans, where there has been any politics in it.

Question. As a general rule?

Answer. Yes, sir; where they are against men. The cases against women have been for different reasons. At one place they went to an old woman's house and gave them a great deal of insolence, and searched the house for the boys, and rudely handled the women about, but did not whip them. They told them it was because the boys voted the republican ticket, and said that they should tell the boys not to do so any more.

Question. They were after the boys?

Answer. Yes, sir; but did not find them.

Question. Now, in your judgment, what is the motive and purpose and spirit of all these transactions?

Answer. My opinion is, and has been for twelve months, from what I have heard of this organization and their conduct, that it is to prevent the republican party from carrying the elections, and to prevent the negro from voting at all.

Question. What has been the effect of all this, especially upon the colored people?

Answer. It has had a very material effect with regard to the way people vote. Some have changed their votes, I think on account of terror, and a great many have failed to go to the polls.

Question. They failed to do so because they are afraid to go?

Answer. Yes, sir. I know men in my county who failed to go on that account, and they are strongly republican.

Question. Is this feeling of terror and alarm general among the colored people?

Answer. Yes, sir. I do not believe that in the county of Cleveland, where there are some three or four hundred colored voters, twenty-five of them would dare to vote the republican ticket now. And I do not think that in Rutherford the colored men would dare to vote at this time.

Question. Does this feeling of alarm extend to the white people?

Answer. It does. I know quite a large number of respectable farmers who, during this spring and summer, have not slept in their houses any time. That is, they told me so; I have not seen them sleeping out. And I will say here that I do not believe there is a republican family in Rutherford, in the country, that feels any sort of security at night for their lives and property. I do not believe there is an exception, where the men of the family are known to be republicans, who would vote the republican ticket—I do not believe there is a single family but what is in terror to-day.

Question. I have inquired of you in relation to cases in your own county exclusively. How has it been in the county of Cleveland, east of you?

Answer. I think it has been a great deal worse there. There have been lives taken there, I suppose; I have heard of some.

Question. How many persons have you heard of being killed in the county of Cleveland by these disguised bands?

Answer. I do not know that I can state. I have heard of some both ways; the negroes have killed two or three with axes when they attacked them. I say two or three; that is the general impression.

Question. That is, they have resisted when they have been attacked?

Answer. Yes, sir.

Question. And it is supposed that some lives were taken in that way?

Answer. Yes, sir. One young man received a wound from an ax in the face, and he died next day; so I have heard. There were two other young men who were wounded; there was quite a fight that night with axes and guns, and the old negro says he chopped with all his might.

Question. A body of men came and made an attack on them?

Answer. Yes, sir; he says they made an attack on him, and he struck at them with his ax, and is satisfied he hit more than two. There have been two or three young men who have died in the county, and the general impression is that he killed the two or three he hit. They came back again with a larger crowd, and he had some negroes there, and fought them from the house. They finally slipped up and set the house on fire; it is a house built with logs, and then weatherboarded with planks. He said he would pour water along the cracks of the logs, and it would run down and put the fire out. That is the statement I heard from a gentleman from down there, who said he heard the warfare there.

By Mr. POOL:

Question. Were they in disguise?

Answer. Yes, sir. I was in every part of Cleveland County last fall, on business; I passed through there hastily, for I was myself afraid of these disguised men. I would not let them know where I was to be after dark. I went in company with the assistant assessor, and we were both very much afraid that we would be attacked down there.

By the CHAIRMAN, (Mr. POLAND:)

Question. In that county have these cases of whippings and beatings by bands of disguised men been as common as, or more common than, in your county?

Answer. Yes, sir, they have been very numerous.

Question. Upon what class of persons in the county have these acts of violence been committed?

Answer. All republicans, except the one case I mentioned on Monday. I mentioned then a case where the men who whipped a man said that they were preachers, and whipped him on account of his bad conduct to his wife. The magistrate said that he was told that the preachers would call each other by name; one would whip for awhile and then he would say, "Brother Hill, you whip now;" then he would take hold and give him some lashes for awhile, and then he would say, "Brother Dixon, you take hold now." And in that way some eight or ten would whip him. The magistrate said that the man was a member of the republican party; that he gave some $50 to them to quit, and they sent it to his wife. Mr. McAfee, the member from that county, told me about the story, all except the preacher part of it. He said he did not know but what that was a good thing. An old gentleman with whom I had been in the habit of staying told me that this Ku-Klux was a capital thing, that they could not live without it; that the boys did some bad deeds sometimes which they ought not to do, but that the organization was a good thing, and was necessary to control the negroes. When he told me this it was a very cool morning, and he said, "If it was not for them we would not be sitting here by this fire this morning, for the negroes would take it away from us." Said he, "The negroes are working well, and the fear of the Ku-Klux keeps them about right and proper." His idea was that the Ku-Klux was essential to the welfare of the community; but he condemned some of the bad deeds that they had done.

Question. Let me ask a question in that connection, in regard to the conduct and behavior of the colored people as a class in your county. Have they been disposed to violence and disturbance?

Answer. No, sir, they have not.

Question. Has the conduct of the colored people as a class furnished any ground for such attacks as have been made upon them, or for any attack upon them?

Answer. I think not; the colored people in my county have been very independent about their voting, but not insolent at all; they have been outspoken as to their political opinions.

Question. In every respect, except voting the republican ticket, they have behaved well?

Answer. Yes; of course there are cases of larceny among them, and other cases such as those we have always had in our courts. But, speaking of them as a class, they have behaved themselves as well, I reckon, as any colored people in the Southern States; as well as any of them could be expected to do, considering their situation, and as well as anybody else.

By Mr. POOL:

Question. Has there been any barn burning or anything of that sort in those two counties?

Answer. I have heard of but one barn being burned in Rutherford; that was the barn of Mr. William Carson. This McGahey was generally accused of it when he was lying out of doors; I do not know who did it. I never heard anybody else accused; I have never heard of negroes accused of it. Mr. Carson's barn was burned shortly after McGahey got into trouble with DePriest; and I believe the general accusation was that McGahey burned the barn while he was lying out about the country.

Question. Has there been any barn-burning or house-burning in Cleveland?

Answer. I have never heard of a single case. I think in Gaston County there have been several cases. I have never heard of any burnings in Lincoln County, or in Buncombe County. I have heard of quite a number of Ku-Klux outrages this spring in Buncombe County, some in McDowell County, and some in Polk County; Polk County joins us south, and is on the North Carolina line.

Question. I would be glad if you would give us as many names as you can recollect of those who have been outraged.

Answer. I have left my best memorandum at the hotel. I will state from memory what I can now recollect. Did I state about Mr. Gillespie being taken out and abused by them and threatened? He is a white man; a gang of disguised men seized him, either the last of March or the first of April, pulled him out of his house, and said that they thought two hundred lashes would make a good conservative of him; that he had been a radical, and had been unpunished for a long time. There is a colored man we call an old issue free negro; that is, he has always been a free negro; he was born free. His name is Jonas Watts; he was whipped by them, and had his gun taken away. They asked if he had that gun to shoot Ku-Klux; he said, No. They took the gun away from him, and said it was a damned good piece they had captured; that is what he says. They told him that it was about the way he had been voting that they visited him. They visited the house of a colored man named T. P. Bradley, committed some insolence about his house and threatened him, but did not whip him.

Question. Did they break into his house?

Answer. Yes, sir; they broke his door open, and scattered his things about, took some little articles he had, some jewelry and other things. I remember the name of Miller Taylor; he and his wife were both whipped; I think they accused them of keeping a disorderly house.

Question. Give the time of each case as near as you can come to it.

Answer. I think that occurred in February last. Then down in the same part of the county on the south side, they whipped a young man named Light Hall. I do not know any excuse they gave for whipping him, except that he was a radical. He ran and got away from them.

Question. Was he a white man?

Answer. Yes, sir; he was a white man, and Miller Taylor was a white man also. Joe Toms, a colored man, was whipped in April. A colored man named Henry Houser was whipped. I believe I have mentioned Martin Doggett, he was twice visited by them; also Martin Pearson.

Question. Was he a colored man?

Answer. Yes, sir; Pearson was a colored man.

Question. When did that occur?

Answer. That was the case I stated the other day; they first robbed him, and afterward whipped him, and then visited his family in his absence and whipped them.

Question. When did that occur?

Answer. In February or March. I believe I have mentioned Granville Miller; he was twice whipped by them. Granville Miller had been tried at our last term of the court, and convicted of stealing a bushel of corn, though he was not imprisoned. The reason why he was not imprisoned was this: It was corn that he had bought of a man he was working for. He bought twenty bushels, and put the twenty bushels in the man's crib; that is the testimony of the man himself. Whenever he was to have any ground in the mill, the agreement was that he should have it, but that they were always to measure it out. It turned out that he had shelled a bushel of corn one rainy evening, and that he carried it off without notifying this man and letting him measure it; he carried it off and put it on the fence down below the house. He came back for his coat, and the old fellow saw him take it down there, and he went down there and got it and brought it back. He was indicted for stealing corn, and the jury found him guilty; but the solicitor consented to have judgment against him suspended on his paying the costs.

Question. Who was the solicitor?

Answer. Mr. Bynum. When they whipped him they mentioned that he had had some difficulty with Mr. Tanner about the rent corn on his land last year; they also mentioned something about his voting. They did not mention this stealing corn to him either time when they whipped him. Two or three of the Logan negroes have

been whipped. There are a great many colored men there of the name of Logan—Dick, Henry, and a whole parcel of them; I cannot remember them all now. I have heard of their being whipped from time to time, so often, and have not made any memorandum of it, that I cannot well state the cases now unless my attention is called to them by something that reminds me of a particular case.

Question. Have you heard of any democrat in that county being whipped?

Answer. No, sir. There were three white men, an old man and his two sons, by the name of Harvey, who were whipped.

Question. Were they republicans?

Answer. Yes, sir; the old man and one boy were, but the other boy was not old enough to vote; he was a lad some sixteen or eighteen years old. They whipped all three of them at the same time.

Question. Have negroes and others been disarmed by the Ku-Klux in that county?

Answer. They always take arms if they find any.

Question. Do you know of any democrats in the county who have been disarmed by them?

Answer. I have never heard of one. I heard of one negro being visited by them. They took him out and whipped him, and told him as he was working for a good man—a Mr. Harrill, I think—that, as Mr. Harrill was a clever man, a right kind of a man, he, the colored man, might finish his contract with him, and make his crop; but he must leave there before the election; that he might work till he laid by his corn, and then he must leave, or else they would visit him again. I have heard of their being at houses of democrats, but only to get water, or a drink of brandy, or something of that sort.

Question. Do the democrats seem to be in any terror from them?

Answer. No, sir; I never heard one say he was afraid. Mr. Huffmaster said he was not afraid of them, and that if I would come to his house to sleep I need not be afraid. But his wife was afraid, and he said his wife was in a condition that he did not like to have them about town.

Question. Is there a general state of terror and dread on the part of the republicans of your county?

Answer. Very great.

Question. Is it the understanding of the community that it is the republicans who are to dread this organization, and that the democrats are in no danger?

Answer. That is the understanding of both parties, so far as I have any means of knowing. The civil officers of every kind in our county, except some of the magistrates and constables in two or three townships, are republicans. I do not believe that, from a judge to a constable, I know a single officer in my county who feels at liberty faithfully to discharge his duty. I will say I believe they will all do it, but I think it is with the belief that they risk a great deal in doing it.

Question. Is there a similar state of things in the county of Cleveland, so far as you know?

Answer. Yes, sir.

Question. Are the democrats in that county afraid of them?

Answer. Afraid?

Question. Yes, afraid of the Ku-Klux?

Answer. No, indeed; I think nine-tenths of the democrats in that county are Ku-Klux, and three-fourths of the people are democrats. There is no reason to be afraid; there is no terror there in the world, except with republicans.

Question. Are the republicans in that county in a state of dread and fear?

Answer. Yes, sir.

Question. Do you know whether they sleep out of their houses at night?

Answer. I cannot state much about Cleveland; I have heard that some men do, but I do not know.

Question. How long has it been since the Union League was in operation in the county of Rutherford?

Answer. There has been no meeting of the Union League in the county of Rutherford, to my knowledge, and I have a good opportunity of knowing——

Question. Were you a member of the League yourself?

Answer. I was among the very first to join it.

Question. How long since you have had a meeting of the League in the county?

Answer. None since the presidential election.

Question. Have there been any in the county of Cleveland since the presidential election?

Answer. I think not. It was a very short-lived thing in Cleveland. They had a few meetings there about the time of the ratification of our constitution. Just about that time we knew of some few organizations of the League, and we voted in the county at that time about seven hundred and twenty strong; but since that we have never given more than three or four hundred republican votes there.

Question. At what time did these outrages commence there?

Answer. They commenced in Cleveland soon after the presidential election; in the fall and winter following; I have always heard of some in Cleveland.

Question. At what time did the main body of these outrages occur in your county?

Answer. Within the last ten months.

Question. Most of them since last October?

Answer. Yes, sir; most of them since last November.

Question. Have you frequently attended meetings of the Union League?

Answer. I have attended them a great many times.

Question. Tell us whether there was anything in the obligation of the Union League to instigate men to a violation of the law in any form

Answer. No, sir, not in any obligation I saw, or in any books or ritual that we had. We had a charter for our League, which was signed, I think, by Judge Edmonds; that is my remembrance.

Question. Judge Edmonds of this city?

Answer. I do not remember where he lived, but he was chief president of the National League. I think the ritual was gotten out when he was president. We had some little blue pamphlet books, quite a number of them, which we sent up for and got.

Question. Did you allow those books and obligations to be public?

Answer. Among ourselves; we did not make them public to the world; any member had a right to see them and use them. I will state the way we always organized Leagues in my town and in my county. We had stated meetings once a month; oftener than that when we were organizing; probably every two weeks for a time. We met at the court-house, at 12 o'clock of Saturday.

Question. In the day-time?

Answer. Yes, sir. We would ring the court-house bell, and allow every citizen who wanted to come in to do so. The people all over the county attended; it seemed to be something that attracted the attention of the people, and there would be large crowds there. Very often they filled the court-room. As I was president of the League at Rutherfordton, it fell to my lot to read from this book the principles and objects of the Union League, and read them to the audience at large. And then I would state that if any citizen there wished to be a member of the order, assuring him that there was nothing offensive in the oath which we required, nothing that required a loyal man to do anything but what he would be willing to do——

Question. Was there anything of the kind in the obligation?

Answer. No, sir; there was nothing in the obligation, except to support the Union, and loyal men for office in all places, from the highest to the lowest—I think that was the expression used—in town, city, State, and National Government; to support none but true and loyal men for any office. There was nothing in it that required a member to vote for the nominees of any party, but simply that the members would not vote for anybody except those who were loyal to these principles. It set forth, first, that it was to uphold, strengthen, and maintain the National Government; to aid in the education of the masses; to elevate the laboring classes of the country to positions of honor and respectability in society, and to maintain a brotherly and kind feeling toward all people.

Question. Did the members of the League conceal their membership from the world at large?

Answer. No, sir; no man in my county did. As I was going on to state, our manner of organizing was this: if I was acting, as I very often was, for I was active in organizing Leagues, believing they were the very thing to restore harmony and good feeling among the people—if I was acting I would say that if any gentleman wished to join the League he would give his name to some of the members I would designate, and they would wait on him. Sometimes we would get quite a list of names; I think I have initiated as high as sixty in one evening. Then I would request that all persons who were not members, and who did not wish to become members, to retire. And of course any person who had any gentility about him would then leave the house. We would then take these names and vote whether we would receive them or not.

Question. Did you ever reject anybody?

Answer. There was one man rejected for a while, but finally he got in.

Question. What did they reject him for?

Answer. They did not think he was in good faith. He was a very good citizen, but he was barred by the fourteenth amendment. After he got in he was pardoned, and then he left us and joined the democrats. He asked me if I thought it would be of any advantage in case of a confiscation of land; I told him none in the world, that it said nothing in the world pertaining to that; that the only advantage it would be for him to be in the League, that it would strengthen the Union party in the State, so that we would be restored and there would then be no confiscation. There was nothing in the League, never any decree, or order, or anything, pertaining to the private relations of any man; nothing to violate any principle of law or honor.

Question. Was any advice given by it to the colored men to be insolent or disorderly in any way?

Answer. My advice, and the advice of every republican that I ever heard make a talk in my State to the colored men, has been to be peaceable, to be industrious, to be honest, and especially to be respectful to the white people; to vote their principles, just whatever they chose; to vote intelligently and understandingly. I have made a great many speeches of that kind; I have taken great pains when speaking to a large audience of colored men mostly. I would say: "Here are these white men, you have been raised their slaves and have been their property, and you must not expect them to treat you with all the respect and dignity that belong to free men, right at once; the people are not educated to that, they cannot do it. But if these men will allow you to exercise your rights, to be free and to have all the privileges that the Government contemplates, you ought to treat them with great courtesy and respect." I have always said that to them, and I have never heard any republican say anything else to them.

Question. Of the white men who went into the League with you, what were their relations to the war?

Answer. Numbers of confederate soldiers went into the League; and there are members of that in the Ku-Klux Klan.

Question. Were there many Union men in your section during the war?

Answer. Yes, sir; though I did not live in Rutherford County during the war. They always voted down secession from the beginning to the end; there never was an election held in Rutherford County in which the democratic party, the secession party, were successful. They have not carried that county for fifteen or twenty years. It was an old whig county at the beginning of the war. When you were a candidate for governor Rutherford County gave you a very handsome majority. At the first election in February, 1861, a most overwhelming majority was given against calling a convention, and the men elected were opposed to that convention. And ever since the Union element has always prevailed with the white men. We ratified our present State constitution by a majority of between eight and nine hundred votes; the general ticket averaged about eight hundred votes.

Question. How many colored voters have you in Rutherford County?

Answer. I do not know now; our colored vote is very materially changed.

Question. How many did you have at that time?

Answer. I think four hundred and sixty is the most I have seen on our books.

Question. How many white voters?

Answer. About one thousand eight hundred.

Question. You carried the county by what majority?

Answer. Captain Eaves, for senator, received something over nine hundred votes; I think he got a few conservative votes. He was a confederate captain, and his men pretty much all voted for him regardless of party.

Question. How much majority did your county give in the presidential election?

Answer. I think it was five hundred and ninety. When we voted for the ratification of the constitution there were quite a number of men barred from voting by the reconstruction acts, and as soon as we ratified the constitution that turned in a very large class of voters.

Question. And even then you carried the county by five hundred majority?

Answer. Yes, sir; by five hundred and ninety.

Question. A majority of the white men of the county voted the republican ticket?

Answer. Yes, sir; we have never failed to carry the county by a majority of the white voters.

Question. Do you think you did it last summer?

Answer. I know we did. There were not more than three hundred colored men voted last summer, and our majority stood from two hundred and fifty to five hundred; our sheriff carried the county by more than five hundred majority.

Question. Are there any colored men in office in your county?

Answer. Some are members of school committees.

Question. Are there any colored magistrates in your county?

Answer. No, sir.

Question. Are there any colored officers except some school committee men?

Answer. I think one of our town commissioners is a colored man. We had one there, a very excellent man, who died, and I think another colored man has been appointed in his place; he is a good citizen.

Question. Has there been any complaint about malpractices by your county officers?

Answer. A great deal in the campaign last summer about the county commissioners expending money in laying off townships, and the expense they had incurred in establishing the new system under our constitution.

Question. Did they accuse the commissioners of dishonest practices in office?

Answer. No, sir; only of extravagance; that the legislature had allowed them three dollars a day and they had met very often to transact their business.

Question. They did not accuse them of any corruption?

Answer. No, sir; I have never heard any expression made against republican officers in our county for corruption, except in a letter addressed to General Blair by this man Schenck, in which he said that Judge Logan was corrupt.

Question. He is judge of your circuit?

Answer. Yes, sir; he lives in our own county. Some of our magistrates are ignorant and do not know very well how to discharge their duties; but that has always been my experience, from a boy.

Question. No more ignorant magistrates now than before the war?

Answer. No, sir; and we have a better class of magistrates since we have elected them by the people. I have heard no complaint, but I know they do their business rather loosely.

Question. Have any charges of maladministration or corruption been alleged by these Ku-Klux as an excuse for their outrages?

Answer. Not in our county. The general expression is that Holden is a bad, corrupt man, and Littlefield is a swindler, and all such expressions as that; but nothing in regard to our county officers.

Question. Now tell us what the democrats say about the Ku-Klux, whether they palliate or excuse their offenses; and what the republicans say, whether they condemn them or not. Are the parties divided in sentiment on that question?

Answer. My examination here has brought out that we have a conservative paper and a republican paper in our town.

Question. A democratic paper and a republican paper in the same town?

Answer. Yes, sir.

Question. What is the tone of those two papers?

Answer. The tone of the Star has been all the time very bitter against the Ku-Klux.

Question. Is that the republican paper?

Answer. Yes, sir; it has denounced them in unmeasured terms all the time. While the Vindicator has usually said it did not indorse violence or anything of the kind, it has always charged that no such thing existed; that it was a mere trick on the part of the republicans to make political capital. It has always said that until recently. In an article, since the outrage upon me, it comes out and admits the existence of the organization and denounces it in very respectful terms. I have here this morning a little article that will show something of the tone of things there at present. I will state that a great many conservative gentlemen seemed very kindly disposed toward me, and a great many in the village came to see me after I was hurt, and expressed great mortification at the outrage, and denounced it in unmeasured terms; but some did not. Two physicians, both men who have practiced in my family, came to see me. They were conservatives, but they seemed very bitter against it. Here is the article to which I refer.

Question. From what paper is it?

Answer. From the Raleigh Telegram; I received it this morning; it is on this subject.

Question. Is the extract taken from one of your papers?

Answer. It is an editorial and will more fully answer your question if it is read. I will read it:

"THE KU-KLUX OF RUTHERFORD.—Messrs. Logan & Carpenter, of the Rutherford Star, in order to corroborate their statement, and the statement of the Vindicator, as to who it was that destroyed their office and maltreated Mr. Justice, have addressed a letter to L. F. Churchill, esq., a prominent conservative lawyer of Rutherford, who was in that place on the night of the raid, asking him for his opinion in regard to the party. Mr. Churchill states it as his opinion that the raid was 'a regular Ku-Klux visit,' and states that such is 'the almost universal opinion of the citizens of Rutherfordton without regard to party.' He also condemns the outrage in unqualified terms."

Question. I am not speaking so much about what they say now, since the outrage upon you, but what was the course of the Vindicator before this outrage upon you?

Answer. It was to deny, or in substance to apologize for the outrages, to allege that the outrages were greatly exaggerated, if they existed at all; that incompetency upon the part of State officials, and insolence on the part of negroes in some parts of the State, their having committed rapes, &c., was the cause of it. It took very much the tone of all the conservative papers of our State; they all seem to follow the lead of one sheet in tone and sentiment—the one which is the mainspring for all.

Question. What sheet is the mainspring?

Answer. The Raleigh Sentinel; that is the leading daily paper in the State, and all the conservative papers I read, with the exception of this Raleigh Telegram, and the Old North State, published at Salisbury——

Question. Is not the Old North State a neutral paper?

Answer. The editor, Mr. Haynes, is a very strong conservative man; I have always so regarded him. But he does not take sides with the Sentinel; he takes ground with the Telegram. In the Star office are received exchanges from all over the State, and I look over the editorial and leading articles in them.

Question. You say all the other democratic papers in the State seem to follow the Sentinel?

Answer. Yes, sir, and deny the existence of the Ku-Klux Klan, or apologize for it in some way.

Question. Who edits the Sentinel?

Answer. Mr. Josiah Turner.

Question. Did that paper notice the outrage upon you shortly after it occurred?

Answer. Yes, sir, I saw an extended account of "the affair at Rutherfordton" in its editorial column.

Question. How was the first notice headed of the outrage upon you?

Answer. It was headed "Another radical outrage." I have not seen it since I saw it there. He went on in his article and intimated that Judge Logan and myself had been in complicity about the thing, and had arranged to have the outrage perpetrated upon us in order to make political capital. Now, if we are let alone by the Ku-Klux we do not need any political capital in our section, for we are as strongly republican as we care to be, if our people were allowed to vote.

Question. When did this outrage occur upon you?

Answer. On the night of the 11th of June.

Question. Read this article [handing witness a paper] about the outrage upon yourself, published in the Daily Sentinel of June 30.

Answer. [The witness read as follows:]

"The great outrage, says the Asheville Citizen, which has been reported in Rutherford, is said to have been gotten up by the Rads in that section to further their programme in the coming election.

"We had no doubt but that this was so as soon as the news reached us. Carpenter wanted a press doubtless, and hoped that his friends in the North would contribute and purchase him a *new* one. Justice and Logan saw that old Rutherford was about to be redeemed, and it is suspected that they got up the affair in order to put the county in a state of insurrection, and give themselves a little notoriety.

"These moves on the board are too thin to deceive the most ignorant. We suspect that Grant will smell a *mice* as he did in the Holden affair."

Question. Look at this paper, [handing witness a paper;] it is a copy of the Sentinel of July 1, 1871. Read the portions of an article I have marked, in relation to what became of the men who were arrested for the outrage on you.

Answer. [The witness read as follows:]

"WENT HOME REJOICING.—About 7 o'clock on Thursday evening the prisoners from Rutherford and Cleveland Counties were released on bail from the foul dungeon into which Judge Bond had committed them, after refusing bail in the sum of $45,000. When Kirk arrested in Caswell and Alamance without discrimination the innocent with the guilty, the people made common cause against their oppressors.

"So it is in Rutherford and Cleveland. Marshal Carrow and old Biggerstaff may have arrested some men guilty of whipping Biggerstaff, but to arrest a whole neighborhood and men from two counties whose character and standing, for fifty years, gives assurance of their innocence, is more than any people will tolerate. It is natural for the good men of these two counties to combine against those who have committed innocent men to jail, who stood ready to give bail, and, in all particulars, comply with the law.

* * * * * * *

"When the men of Rutherford and Cleveland submit to such arrests without raising a clamor against the oppressors, they are no longer fit to be free."

Question. Were those men arrested after bills were found against them, and upon a capias from the United States court?

Answer. Yes, sir; they were.

Question. That article is a comment upon the arrest?

Answer. Yes, sir, and it misrepresents the whole facts, for I was present at the court and know. When the parties were brought up and the case continued to a special term in September, Judge Bond stated that the parties would be required to give bond in the sum of $2,000 each. Mr. Strong, attorney for the defendants, rose and offered for Mr. Plato Durham, also an attorney, to sign to the amount of $45,000, stating that he had power of attorney from citizens of Cleveland to sign for the amount of $45,000 toward this bail. Judge Bond stated that that would not meet the case; that he must have the personal recognizance of the parties. It is stated in that paper that Mr. Phillips advised what was done; but Judge Bond after that consented that the clerk of the court, or a good United States commissioner, should go as far as Charlotte, or further if he wished, and receive bail for these parties.

By the CHAIRMAN, (Mr. POLAND:)

Question. Who is Mr. Phillips?

Answer. Assistant attorney for the United States.

By Mr. POOL:

Question. There is an article in the Sentinel of June 24, 1871, headed "Despotism." I will not read the whole of it, for it is too long, but I will read this much:

"DESPOTISM.—On Thursday thirty-nine citizens, among them some of the most respectable citizens of Rutherford and Cleveland counties, were committed to jail here for the want of bail in the sum of $2,000 each, for an assault and battery upon one Aaron Biggerstaff."

Were those men the "most respectable citizens" of Rutherford County?

Answer. I did not so regard them. Some of them are respectable men, and some of them are not so very respectable. There were only twenty-nine arrested, instead of thirty-nine.

Question. This is an exaggerated statement?

Answer. Yes, sir.

Question. Is this paper published in Raleigh, where this court was in session?

Answer. Yes, sir; it is published on the border of the public square, in front of the Yarboro House.

Question. The same article says: "Biggerstaff and his witness failed to appear after being summoned. Capiases were issued for the sheriff to arrest and bring them before Mr. Moore." Mr. Moore was the United States commissioner at Shelby.

Answer. Yes, sir. That was the case I referred to the other day.

Question. The article goes on to say: "Two of them were arrested, and one, Mrs. Norvill, witness and daughter of Biggerstaff, fled and was not taken. Mr. Moore bound the prisoners over to appear before him again on the 25th day of July." Is that the case where they were run off, where the Ku-Klux attacked them on the night you referred to?

Answer. Yes, sir. The case rested there, and the district attorney sent a summons for the witnesses to appear before the court at Raleigh, sent them before the grand jury, and obtained a bill, and at once sent the marshal to arrest all the parties in the bill of indictment.

Question. Do you know that Mr. McAfee and Mr. Carson appeared for those men?

Answer. I understood so.

Question. I see it stated in this same article that "Messrs. Bragg, Strong, Durham, McAfee, and Carson, appeared for them before the court."

Answer. I noticed Mr. McAfee and Mr. Carson there, and I saw Mr. Strong rise in court and make motions.

Question. Who is Mr. Durham?

Answer. Mr. Plato Durham is a gentleman who was a member of the constitutional convention. He was then elected to the legislature, and afterward he became a candidate for Congress.

Question. On the democratic ticket?

Answer. Yes, sir; he was the nominee of the democratic party, and made the campaign. It was a very close contest between Mr. Durham and Mr. Jones. The first count gave Mr. Durham a majority of two or three votes; but after examining into some illegalities and some irregularities in some precincts, it was found that Mr. Jones had a small majority.

Question. Mr. Durham resides in Cleveland County?

Answer. Yes, sir; at Shelby.

Question. Is he the gentleman who you said was at the last term of the court in Rutherford County, and, in your opinion, instead of attending to business before the court, proceeded to organize the Ku-Klux there, and admitted members?

Answer. That is the gentleman. I do not know that he transacted any business with the court; he did not seem to have any business there.

Question. What is the understanding of the community there about his connection with the order?

Answer. I have heard he was a leading officer of the order in Cleveland County.

Question. A leading officer of the Klan?

Answer. Yes, sir; I have heard so.

Question. What have you to say about Mr. McAfee?

Answer. He is the present member of the legislature from Cleveland County. I have heard that he was formerly the county chief; I heard that through a man who says he is a member of the Klan, and that he obtained his information from the chief of his Klan.

Question. That he was formerly the county chief of Cleveland County?

Answer. Yes, sir.

Question. That is, he preceded Mr. Durham?

Answer. Yes, sir.

Question. Is he a member of the present legislature of North Carolina?

Answer. Yes, sir.

Question. Of which house?

Answer. Of the house of representatives.

Question. Is Mr. Carson the man who was your competitor?

Answer. Yes, sir.

Question. In your canvass with Mr. Carson, what ground did you take upon this Ku-Klux question? Did you denounce them?

Answer. I did, very bitterly, and in the most unmeasured terms, as an outrage upon decency, law, and order, and intended, as I believe, by the democratic party, to break up and destroy the Government.

Question. What did Mr. Carson say?

Answer. He generally in his speeches denied the existence of any such thing, and said that if there was any Ku-Klux in the county, he did not know it; and that if there was any in the county, he did not know that he would vote for him.

Question. Did he denounce the outrages?

Answer. No, sir; he denounced Kirk being brought into the State by Governor Holden. That was the great point with him. He said he was in favor of law and order, and not in favor of any outrages being committed. And he made the assertion that there had been no outrages committed by any Ku-Klux, except some negro Ku-Klux. I mentioned a case the other day, where some negroes in Orange went out in retaliation; but they have been caught and put in the penitentiary.

Question. He followed the lead of the Sentinel?

Answer. Yes, sir.

Question. Did he say anything about Union Leagues?

Answer. I think he referred some to the Union Leagues.

Question. Have there been any Leagues held in North Carolina since the latter part of 1868?

Answer. I have not heard of them. I have regarded the League as dissolved; there was no act to dissolve them, but we have ceased to hold meetings in my section of the State, and I have not heard of any being held anywhere else in the State.

Question. There was no meeting of the State council after 1868?

Answer. Not that I am aware of.

Question. The League dissolved after the presidential contest?

Answer. Yes, sir, so far as I know, throughout the State. I do not think I have conversed with any member of the republican party who has said they have had any meetings since then.

Question. You believe that to be the fact?

Answer. Yes, sir; I do not think there has been anything like a League organization in North Carolina since the presidential election. I have heard Mr. Turner allege in a speech which I heard him make, and I have seen it hundreds of times I might say, a great many times at least, published in his editorial columns, that if there was any such thing as Ku-Klux, it was organized to put down the Union League, to counterbalance the effects of the Union League.

Question. Tell me whether, in your opinion, this common denial by the conservative papers in the State, and by all the democratic candidates, Carson and others, has had a tendency to encourage the Ku-Klux, or otherwise?

Answer. Every conservative speaker, and I think every conservative paper, except one or two, have gone on in such a way as to encourage them, to keep them up. It is a matter of belief with me that nine-tenths of the democratic party in North Carolina are either members of the order, or have an idea of its workings and intentions, and secretly and slily encourage it; and some of them openly and boldly do so by their speeches and their writings, by apologizing for the outrages, or denying them, and also denouncing the subjects of the outrages as vile persons guilty of some crime.

Question. Was Judge Logan a member of the confederate congress?

Answer. Yes, sir, he was.

Question. Is he a man of property and character?

Answer. Yes, sir; he is a man of good property and of good character.

Question. Did you ever hear anything alleged against his character until recently?

Answer. Nothing openly, I think.

Question. Did you ever hear him accused of anything dishonorable until he took part against the Ku-Klux?

Answer. Never in the world. He has been a man highly regarded for his purity of character, firm integrity, and truth.

Question. Of high social standing?

Answer. Yes, sir.

Question. Of good family connection?

Answer. Yes, sir; he is a man belonging to one of the first families in Rutherford County in point of creditability and property. His own family is one of very high respectability.

Question. How old a man is he?

Answer. He is turned of fifty.

Question. Has he been a member of the bar and practicing law for some time?

Answer. He was a member of the bar before the war. He was elected clerk of the county court of Rutherford County soon after he was twenty-one years of age, and served in that capacity for a great while, and afterward he was admitted to the bar, and I say here, that I do not believe any democrat in Rutherford County, stating his private opinion of Judge Logan aside from politics, would say less of him than I have. I have never heard one of them give him a worse name than I have stated here to-day.

Question. Was there any feeling against Biggerstaff for the aid he rendered to Union prisoners during the war?

Answer. I have always understood there was. Some of his neighbors, some of the men he alleges have had trouble with him, I have understood, have been very bitter against him on the ground that he was a friend to the Union cause and aided Union prisoners. I say that he aided them; I have heard him say so, and I have seen testimonials in different handwritings from captains, lieutenants, and various officers, stating that on such a day they received supplies of provisions and advice from Mr. Biggerstaff, and requesting all the Federal officers and soldiers to treat him with respect and courtesy. Those prisoners had to go very slily through our country; there was a great scarcity of provisions, and it was with difficulty that they could get anything to eat. They could make themselves known only to negroes and such white people as they learned were Union men.

Question. And Mr. Biggerstaff was active in aiding them?

Answer. Yes, sir, and very often went with them considerable distances to pilot them beyond points of danger.

Question. You say that a very bitter feeling existed against him on that account?

Answer. I have not heard much of that of late; but there seemed to be a spite got up against him after that, and since that time there has been a very bitter feeling against him; he was a member of the Union League, rather a fussy and talky member; he has said a great deal, used a great many words of very little use, unmeaning words. It seems to be his weak point to talk too much, and say things not worth anything to himself or friends.

Question. Do you know the names of any men generally understood to be chiefs of Ku-Klux camps in your county?

Answer. Yes, sir; I have heard some; I have heard that Mr. Daniel Martin was chief of a camp.

Question. Where?

Answer. Down in the Duncan's Creek community.

Question. What sort of a man is he?

Answer. A man of ordinary character; he has recently married a very worthy young lady, of very excellent family.

Question. Is he a democrat?

Answer. Yes, sir, and rather a prominent young man. He is a sort of wild, rude man, but I have never heard anything alleged against his character.

Question. Is he a man of property?

Answer. I have heard he has some.

Question. Can you give us any other name that you know?

Answer. Another is Jesse DePriest.

By Mr. BLAIR:

Question. Do you know that?

Answer. Not of my own knowledge.

Question. Senator Pool asked you to give the name of some other that you know. What do you know about that?

Answer. I was rather answering in connection with the first question, to state the names of persons understood to be chiefs of the camps. I am stating what I have heard from various persons outside, and then what I have heard from this man Downey. He says that Jesse DePriest is the chief of his camp, the man who initiated him; I heard him tell that to Judge Brooks.

By Mr. POOL:

Question. What sort of a man is DePriest?

Answer. He lost one leg in the confederate army; he is a man who drinks a great deal; a tolerably shrewd fellow, and I think a mighty mean one, to give my opinion of him; a man who would not scruple to do anything that is mean.

Question. Is he a man of any property?

Answer. No, sir; he keeps a little dram-shop on the road-side.

Question. Is he a democrat?

Answer. Yes, sir, and a very active one. He was nominated for coroner, and received all the votes cast by the democrats except one or two. My brother, who is a democrat, said he was not going to vote for a Ku-Klux for office. He publicly declared at the election that Jesse DePriest was a Ku-Klux, and the chief of a camp.

Question. Did anybody dispute that?

Answer. No, sir; and upon that I saw my brother scratch his name off.

Question. You say he was a candidate for coroner?

Answer. Yes, sir.

Question. What is the duty of a coroner?

Answer. To hold inquests over dead bodies, and make investigations.

Question. He was not elected?

Answer. No, sir; he failed by some three hundred votes.

Question. Can you name any other person who is reputed to be a chief of one of those camps?

Answer. Yes, sir; this young man, Ladson Mills, that I spoke of in connection with this trouble upon me, is said to be the chief in the village. He has left the community, and as I understood before I left home, he left with the intention of staying away, and did not expect to return; that he had said he was likely to get into trouble, and he did not want to get into any.

Question. Can you give the name of any other person reputed to be the chief of a camp in your county?

Answer. Yes, sir; I have heard that Mr. Randolph Shotwell was chief of the whole county; I heard that from Downey. And I have heard in other ways that Mr. Shotwell had for two years been initiating Ku-Klux in Rutherfordton. I had a sort of personal newspaper quarrel, not to any great extent, but an article appeared in his paper; he was the editor of the Asheville Citizen last year. He wrote a very slanderous article about me, and I wrote something in reply, and charged him with being a Ku-Klux, and known to the people about there as such, and he never denied it.

Question. What is his character?

Answer. I regard him as a man of disreputable character. He is a very shrewd man and an excellent writer. He is regarded as, for his age, a man of first-rate talent with the pen. He is a son of a very respectable Presbyterian minister, a northern man by birth.

Question. You mean the old man is a northern man by birth?

Answer. Yes, sir, the old man.

Question. Was the young man born in Rutherford?

Answer. No, sir; I think the old man came there when he was small; he was partly raised there. Rutherford has seen more of him since the war. I regard him as a vagabond in society; he has no calling or profession now that I know of. I have been told that he was reading law.

Question. Is he an educated man?

Answer. Yes, sir; a good scholar.

Question. Has he been a candidate for any office?

Answer. Yes, sir; he was a candidate on the democratic side to represent Rutherford and Polk Counties in the late constitutional convention, and I think he received in Rutherford probably sixty-two votes.

Question. Was he the regular nominee of the democratic party?

Answer. No, sir; they held no nominating convention, but he was their candidate. They voted against a convention, and did not vote much for members of the convention. He had not been there long, and they did not seem to take to him much. He was the founder of the Vindicator, and edited it for a time, and then sold out to L. P. Irvin. He knocked around a while after that on the do-nothing score, and after a time established the Asheville Citizen, as it is called. I believe he established it as the North Carolina Citizen, and perhaps that is what it is called now. He was the editor of that paper, and wrote a great many bitter and abusive articles; that is his style of writing; he is better than Joe Turner himself to abuse and denounce his opponents. I suppose his course there was such as to cause the leading men of the democratic party to become tired of him, for they dismissed him from the editorial charge of that paper.

Question. Tired of him for what reason?

Answer. Because he was so often drunk, and for his insolent bad course there. He had a very serious difficulty there with the solicitor, Mr. Lusk, in which he received a very dangerous wound, and came very near being killed. Mr. Lusk shot him. That was about Ku-Klux, too. He had abused the solicitor for sending in a bill of indictment against a number of persons who were "the most respectable citizens in the country," as Joe Turner says in this case. He abused the solicitor very much, and the solicitor wrote a piece for the paper by way of reply, and I suppose he used pretty harsh language in regard to Shotwell. And the first time Shotwell saw Lusk after that on the street he knocked him down, and while he was down Lusk fired at him and shot him in the thigh, perhaps in both thighs, and came very near killing him.

Question. Can you name any other man in your county reputed to be a chief of the Ku-Klux?

Answer. I have heard that Lafayette Eaves, in the northern part of the county, was one.

Question. What sort of a man is Eaves?

Answer. A very respectable man, a merchant, raised by a respectable citizen. His

father lives about two miles from town. I have heard that he was a Ku-Klux also, that DePriest went there and initiated him in his own house. I know he talks about them, and seems to be pleased with their success; he seems to be interested in their welfare. I do not think he would go out on a whipping raid, but I think he is a counselor and adviser of those men.

Question. Is he a democrat?

Answer. Yes, sir; his brother, who lives a mile below him, is in great terror of his life, and there is no more respectable man in North Carolina than Mr. Spencer Eaves.

Question. What are his politics?

Answer. He is a republican, and a very decided one. He lives in a very good house, and I do not know a more respectable man in the State. He is an old man, and has one son, a boy of some seventeen or eighteen years old, whom they have threatened very often, and of late they have threatened the old man. He has heard of these threats, and is greatly in fear. I have heard of his lying out of house at night of late. That is really the condition of things in my section of the country. Now, while it would not seem that this man would countenance a raid on his own brother, yet he is so wedded to the Klan, is so much in favor of them, or what they seem to advocate, that he will belong to and aid a party that has threatened to whip and abuse his own brother for nothing but his political principles.

Question. Is it your opinion that it is the general belief in the community that a man, by joining the Klan, or by talking in their favor, as this Mr. Eaves does, can be safe from danger from them?

Answer. Yes, sir; I have no doubt but what a number of citizens have joined them with that understanding, that they would become members of the Klan, but not to be active or participate in any acts of violence, but simply be members for the sake of protection; yet at heart they are different in politics. I think I know of several in that very situation at this time.

Question. In the course of our investigation heretofore, there has been reference made, and questions have been asked, concerning rapes committed by negroes on white women. Has there been any case of that kind in your county?

Answer. I have never heard of any case of the kind in the county. There has been but one case of rape in Rutherford County since I have lived there, that was brought to the attention of the court; and that was the case of a rape of a white girl by a white man.

Question. How long ago was that?

Answer. That was several years ago, soon after the war, when I first came to the county.

Question. Have you heard of any accusation of rape upon a white woman by a black man?

Answer. No, sir.

Question. Is there any fear of it?

Answer. I know of no fear of it.

Question. Is anything said about it?

Answer. Nothing, except what I have seen in the papers, charging such things upon negroes in other places; that it is the conduct of the negroes that causes the Ku-Klux to do what they do.

Question. Have there been any rapes in the county?

Answer. I could not state that there positively have been; I could state what I have heard.

Question. State about that as you have about other outrages.

Answer. I was told by an old colored woman, and one entitled to credit, I think—her word, I think, would be believed by everybody who knows her—that some of her kinfolk who lived down in the country were in great trouble about things of that sort. She said that when the Ku-Klux had gone after a negro man in some places they had attempted, and in other places they had actually committed, rape upon colored women in the presence of their husbands. This old woman told it to me as a secret, for she said she was afraid to have it known, for fear they would kill her. She said that her daughter, who was lately married, was about to be raped, and her husband begged them off; and the woman said that he alleged reasons that ought to have deterred any man, and the woman told them she was in such a condition that they ought not to do it; and they let her off. They have moved away from there now.

Question. How many of these cases have been brought to your attention?

Answer. I have heard of several in that way; but of none where there was anything like proof. The fact is the negroes are generally afraid to tell anything, except one now and then; I think that four or five, may be ten, outrages are committed on negroes and not made known at all, to every one that becomes publicly known.

Question. I want to inquire about the Polly Steadman matter a little, for I have had some letters on that subject. What is the degree of intelligence of Polly Steadman? Is she idiotic or anything of that sort? I mean the one that swore against the Adairs.

Answer. I do not think she is a woman of anything like ordinary mind. While she

might not be considered an idiot, she is very near it. She is very ignorant indeed; she is a woman of very little powers of mind. She has been raised in the lowest society, and has really never had any opportunity to be anything but one of the lowest and most vicious of women.

Question. She has several colored children?

Answer. The child that was wounded and that she has with her is her child; and I always supposed, from what I heard, that the little girl she dragged out was hers. I do not know whether the two oldest were hers or not.

Question. She is a white woman?

Answer. Yes, sir.

Question. And those little children are colored children?

Answer. Yes, sir. I suppose they are the children of Silas Weston, the negro.

Question. Had the negro Weston been helping to run an illicit distillery in that neighborhood?

Answer. It was said that he was first hired by the Morgan boys to make brandy under a license, and they are accused of having since that moved their distillery into the woods, and employing Weston to make whisky for them

Question. Has there been any prosecution begun against them in which it was supposed Weston would be a witness?

Answer. The matter was brought to the attention of the United States commissioner, but no prosecution was begun.

Question. Was it talked of?

Answer. Yes, sir. In attempting to compromise and stop the difficulty, I had a conversation with the Adair and Morgan families. The Morgan boys said they were not guilty of illicit distilling. I said I did not propose to say whether they were or not; but if there was a case made this old negro might be brought up as a witness, and they could not tell what he would swear. I said, "You say you are not guilty; I do not know anything about that. I think you ought to let the Adairs alone and compromise this thing. You are neighbors, and picking each others eyes out, and wasting your substance in going to law will do you no good; I think you had better quit all your lawsuits." I saw it was a matter of spite on the part of both families, nothing serious involved.

Question. Were you trying to make a compromise between the two families?

Answer. Yes, sir.

Question. How long was this before the killing of the negro Weston?

Answer. About a week or ten days.

Question. What condition did you find the town in after you got back again, after this outrage upon yourself?

Answer. I found it entirely dark and apparently abandoned. As I went out I saw several lights in the windows, but when I returned I could see no sign of a light anywhere.

Question. Were the people in a state of terror?

Answer. I could find no one; I hunted around for some time. I am living there with men whom I regarded as honorable and brave men, and I have always thought they would fight for me anywhere; some of them are special personal friends. I could not find them; they said afterwards they had heard me, but were afraid to answer for fear that the Ku-Klux were with me making me call them. After I started to hunt my family, I thought I would go to Judge Logan's, quite a distance off, for I thought my family would be likely to go off among my best friends. I seemed to forget that my neighbor was a very special friend; but he had been absent for some time, and I suppose that was the reason I did not think about his house being open. I did not think of it until they called to me from the window.

Question. You found no one to answer until you got a light?

Answer. No, sir.

Question. Your light would show that you were not accompanied by the Ku-Klux?

Answer. Yes, sir.

Question Did you have any conversation about things in the streets of the town?

Answer. Yes, sir. I met my brother at the steps. He heard I had been in trouble, and he come down to see me about it, and commenced to talk with me, and quite a number of citizens came around.

Question. Did you notice in the crowd a young man you suspected of being out that night?

Answer. Yes, sir; two came up that I would swear I believe were there.

Question. Did they hear you talk?

Answer. Yes, sir.

Question. What was their demeanor?

Answer. Very guilty.

Question. What did you say about it?

Answer. I got a little warm in talking about it, and I denounced any man who would do such a thing, but said that I would favor the chief if I could, although he came as

the leader of the band. And I believe I said I would meet any man or any number of men, if they would come in daylight, and I would dare any man to acknowledge that he had been engaged in committing this outrage upon me.

Question. Did either of them acknowledge it?

Answer. No, sir; they both turned away and walked off.

Question. Are they there now?

Answer. Addy Shotwell is there; Ladson Mills, I understood, had gone away. There was an occurrence on the Saturday night after that, part of which I have of my own knowledge, and the balance from information, which I think was the most desperate thing in the whole affair. That was the night I had agreed to meet the Klan at 9 o'clock. I noticed a fellow lurking about there, this Robert Horton, who I think is a dangerous, corrupt man.

Question. Is he a member of the order?

Answer. I think he is. He was knocking about near my house and in the street there, though I had not seen him much. After night awhile, I went down to the jail, where my double-barreled guns had been left by my friends, who had had them the night before, and were watching around while I was trying to sleep some. There was one gun in my house, and three of us were going to take them with us that night. I was afraid to stay in the house, for we thought from some maneuvering we had seen that there would be an attempt to come into town again that night.

Question. You had failed to go out and meet the Klan as you had agreed?

Answer. Yes, sir; and we had seen quite a number of Ku-Klux near that evening prowling about and whispering together. I went up stairs with the gun, and a man was with me carrying guns. Mr. Clendenning was in the yard, and said he would wait there until we returned. I lighted a candle and set it on my table in the bedroom, the same room where they had seized me. There is a window in front of the house, and there is a gate there, and then comes a little row of houses. The man that was with me sat down right by the window, on the inside. I handed him the guns, and brought him a box of caps, so that he might take off the old caps and recap the guns. Mr. Clendenning started up the steps in a very hurried manner and called to me. I went to the door, and he said, "Some rascal tried to shoot at you just now." I said, "I reckon not." He said, "Yes, there was; I saw him with a pistol presented at your window; he ran out of the yard and I pursued him. Now, you put that light out." Mr. Clendenning says that he was sitting right at the foot of my steps, on the saloon steps, and the light of the window was shining out past where he was. He said he heard some noise in the yard, which attracted his attention, like some one had stepped on a stick, and he looked back and saw a man standing there with a very large pistol, or a short gun, presented towards the window. He said the light shone so that he could see his hand and arm and a portion of the pistol. He said he jumped up, as he thought I would be fired at, and as he jumped his movement caused a ray of light to fall on the man, and the man ran out of the gate. Mr. Hawkins saw the man, but did not see him present the pistol.

Question. Did they know who that man was?

Answer. No, sir; they had an impression who it was, but were not certain. I was slow to think that anybody could be so devilish as to try to shoot me in that way; but Mr. Clendenning said he was perfectly satisfied that in a moment the man would have discharged the pistol into the window; if he had done so, he would have hit the other man. This was about 10 o'clock, just after I should have been at my place of appointment.

Question. Did I understand you to say that the chief you talked with, who said he was from South Carolina, and who was the principal actor in your discharge—did I understand you to say that he said as one reason why you might be discharged that they had failed to get Judge Logan, Mr. Carpenter, and Mr. Biggerstaff that night?

Answer. He said they had failed to get Biggerstaff and Logan; he did not mention Carpenter in that connection, though he said that Carpenter was one cause of their trouble; he said that as they had not got them, they were willing, if I would keep my promise, to let me off if I would give them information of those men.

Question. Did they speak of that as having been the main object of their visit?

Answer. He did not say that, but I think he said that they were fully determined to kill Mr. Biggerstaff; that there was no sort of condition for him in the world. The reason was that he had twice promised them not to tell what they had done to him, yet had gone right off and done it.

Question. That is, they had failed to get Judge Logan and Mr. Biggerstaff, and therefore you might be released?

Answer. If I would keep the thing quiet, and come the next Saturday night and tell them where they had gone.

By Mr. BLAIR:

Question. I think you stated in your direct testimony that the first of these outrages in your section of the country was that upon McGahey?

Answer. I think I made an explanation about that; I started out by saying that that was the first, and then my mind was refreshed so that I recollected that three or four weeks before they had whipped an old negro named Nelson Birge. Then this McGahey was the second case that I heard of.

Question. What was the alleged cause for the raid on McGahey?

Answer. I never heard that said; I think they said he was a bad man, or a liar, or something of that kind; that is what his wife stated. I never heard of any political cause, nor do I know what is the politics of McGahey. He is a man I never saw but once in my life before this thing occurred.

Question. He could not have been a very prominent republican if you did not know his politics?

Answer. No, sir; not a very prominent man any way, a very ordinary man, but a very fighting kind of a man, though not of much prominence in the community as a politician or otherwise.

Question. There was no allegation that the attack upon him grew out of politics in any way?

Answer. No, sir; that was not alleged.

Question. You said that he followed up the party that had been to his house in his absence?

Answer. Yes, sir; he followed up one of them.

Question. Was he accompanied by others in his pursuit?

Answer. Yes, sir; they pursued a portion of them that night, to where the difficulty occurred at Samuel Biggerstaff's. By reason of his supposing that they were there, he went up and shot, or I suppose he shot; somebody shot into Samuel Biggerstaff's house. They saw the light there and thought they had got the men there; and he went forward and fired a pistol through the door into the house.

Question. McGahey did?

Answer. Yes, sir; the party would not go with him any farther; they said they would not go with a man who would do that way, shoot into men's houses; that is what their testimony is; and they returned and went to their houses. The next day after this occurred his wife told him that she was certain one of the party was Decatur DePriest; and upon that he took his gun and started out the second time. He went out and took the track again in the snow, so that it was quite easy to track the men. I heard that they had gone down through a field past Randolph DePriest's spring, and on in the direction of the house. He took the track and followed on up there, and when he got there, he called for the boy DePriest, and when he came out he shot him.

By the CHAIRMAN, (Mr. POLAND:)

Question. He was alone then?

Answer. Yes, sir; but the night before some of the neighbors went with him up to Sam. Biggerstaff's house, and he fired, or somebody fired, into the house.

By Mr. BLAIR:

Question. There was firing by some one into Sam. Biggerstaff's house?

Answer. Yes, sir; there is no doubt about that.

Question. Was not Aaron Biggerstaff one of that party?

Answer. Yes, sir.

Question. He was one of the party who accompanied McGahey when McGahey or some one fired in Sam. Biggerstaff's house?

Answer. Yes, sir; Aaron Biggerstaff, and several other men in the community also went along; McGahey went out and asked several men to go with him and pursue these men that night in hot haste. They followed the track of the men as far as Sam. Biggerstaff's lane, arriving there about 3 o'clock at night. They saw a light in the house, and McGahey ran right up to the house. The rest of the party swear that they heard firing there, and heard Holland, who was one of the party, go up and tell him to stop that shooting. Aaron Biggerstaff did not go up to the house; but Aaron Biggerstaff and Holland have been convicted of forcible trespass, and fined in court.

Question. Forcible trespass upon Sam. Biggerstaff?

Answer. Yes, sir.

Question. Is Sam. Biggerstaff among those who were indicted for the attack upon Aaron Biggerstaff?

Answer. Yes, sir.

Question. Did that thing grow out of this other transaction?

Answer. Yes, sir; I think it was one reason for it; I think it was one of the causes why they went on him so strong.

Question. Because he was one of the party who accompanied McGahey in his attack on Sam. Biggerstaff?

Answer. I think that was one of the main reasons why they went on him, because there were other men along with McGahey.

Question. Among the party that pursued, Aaron Biggerstaff was one?

Answer. Yes, sir; I have no doubt that had a great deal to do with the attack on him.

Question. The subseqent killing of DePriest by McGahey the next day, as a matter of course, widened the breach, intensified this quarrel?

Answer. Yes, sir.

Question. And you had no doubt at all that the attack made upon Aaron Biggerstaff, in a great degree, grew out of this original feud?

Answer. I think that was one of the causes; their language that night indicated that; they asked him if he did not harbor McGahey, and they asked the woman if Decatur was not a good boy; and a feeling was manifested that night to show that a great deal of the trouble was on account of Decatur DePriest having been killed.

Question. And Sam. Biggerstaff's house having been fired into?

Answer. Yes, sir.

Question. This Barton Biggerstaff, of whom you have spoken, was a son of Sam. Biggerstaff?

Answer. Yes, sir; and lives with him. Alfred Biggerstaff is another party charged by Aaron's bill of indictment, and is also a son of Sam. Biggerstaff; he is a married man, and lives on the same premises. In the first place, after Aaron Biggerstaff had been set upon and beaten, and his daughter had been beaten, Judge Logan issued a warrant, and arrested the parties whom Biggerstaff and his daughter implicated, or a portion of them.

Question. In what county was that?

Answer. In Rutherford; no persons were arrested except citizens of Rutherford. They charged the outrage upon some persons named Gould, who lived in Cleveland; but if any arrests have been made in Cleveland, I am not aware of it. A number live along the Cleveland line; but all the parties arrested by Sheriff Walker were arrested in Rutherford, and all live in Rutherford.

Question. Instead of trying these men when they were arrested Judge Logan bound them over, adjourned the court, and refused to try them?

Answer. It was not the term of the court there in Rutherford, but the time for the term of the court in Cleveland. In consequence of the pressing demand for his appearance at his term in Cleveland, as soon as these parties were arrested he bound them over to appear at a day when he thought he could hear the examination, and then went on to his regular term in Cleveland, having then disappointed them for two days.

By the CHAIRMAN, (Mr. POLAND:)

Question. This warrant he issued was for them to appear before him as a committing magistrate?

Answer. Yes, sir; it is what is called a bench warrant.

By Mr. BLAIR:

Question. Were they ever brought before him?

Answer. No, sir; not up to this time.

Question. For what reason?

Answer. He designated the amount of the bond which they could file before the clerk, and then went off to Cleveland, fixing the day for their appearance on the 8th of May. I do not know why he did that, because that was the very day for his next court to begin in Lincoln or Gaston County. I suppose, however, that his intention was to see if he could make some arrangement with the members of the bar; that court usually lasts but one week, while our term of the court is always two weeks. They have heretofore, especially in the county of Polk, sometimes arranged to hold a court for the last week of the term, especially as one week always supplies the term in that county. I suppose it was his intention to spend a week after the 8th of May at home, and examine them there, arranging to have his court above there postponed for a week. He went on and held his court, leaving a similar bond for them to sign. He could not be there on Monday and be at Gaston also, some fifty miles away, and travel by dirt, that is, by a dirt road. He then told the clerk to fix the trial for the 8th or 10th of July, and take just such a bond as before, $500 each, to appear at that time, and to keep the peace. They refused absolutely to give the bond that he required, and said they would go into the custody of the sheriff and be put in jail before they would give a peace bond, because some party might commit an outrage upon somebody, and they would be accused; therefore they would not give a bond of that kind. The clerk then refused to have anything to do with it, and the sheriff allowed them to give bond to appear on the 10th of July, saying nothing about keeping the peace. Soon after that these warrants of the United States commissioner at Raleigh came out against them, and the deputy United States marshal, Mr. Hester, came down to arrest them on that warrant, and then came this trouble of the second attack upon Aaron Biggerstaff and the trouble about the Shelby commissioner.

Question. Nearly all of the outrages you have detailed seem in some way to connect

themselves with the Biggerstaff case, either by parties prosecuting in the interest of one or the other, or these men appearing in the subsequent cases.

Answer. No, sir; not all of them; I think there are quite a number who have had no connection in the world with it.

Question. Some of these woman cases, and some of the cases of that description, have had no connection with it; but from your details I think nearly all of these cases connect themselves in some way with the Biggerstaff case.

Answer. Possibly a great many of the men have been in these raids; but a great number of these cases have had nothing in the world to do, that I can conceive of, with Biggerstaff; for instance, there is the case of Gillespie. So far as my having appeared in the prosecution, that might have connected me with it. But then there are the whippings of all these negroes; I have not mentioned one out of ten; the whipping of Wood, Miller, Taylor, and John Nodine, away over on the other side of the county; they can have no connection with it, except that it is the same organization that commits all the crimes. But these most aggravated cases do in some way appear to be connected with this Biggerstaff case.

Question. This appears to have been, if not the first, among the very first cases that occurred in your county?

Answer. Yes, sir; this McGahey affair was the first case of any particular note that I have knowledge of; the whipping of Nelson Birge was the first I have any knowledge of at all.

Question. What was Birge whipped for?

Answer. For his politics, it is said; I reckon the truth is that the Klan had just been organized; there is proof of that fact, and they wanted to try and see how they could work on old man Birge first. He is an old negro. Their disguises have been so well described in their attacks upon Birge and McGahey that we can tell them. Five men had on a pale red disguise, with a face-covering; one had on a deep red flannel. Amos Owens told the women after that that they were men who had been out in good society; that they were not as bad as Turner's set, and that their purpose was to punish bad people. He said he bought the cloth to make the disguises, and the bolt made five disguises, and that Decatur bought a redder kind of goods to make his disguise of. There were seven at Birge's, six of whom were disguised, and one not in disguise. Therefore, when it began it was just in its infancy, just starting. I think that was the first Klan ever organized in Rutherford County. There is no doubt but what they had organized a Klan of this kind before the trouble at the house of McGahey; but the McGahey case was the first case to which much attention was paid, and it was the second case in that county. From that the cases have seemed to have a connection in a great degree; the Hawkins case, the trouble with Holland, all these seemed to be continuations of or connections with the same case as Biggerstaff's and his friends. I do not think that my case had anything more to do with it than all the balance. I had appeared against the men who had whipped Martin Pearson, and the men who had abused old Mrs. Downey, and the men who had abused Mr. Gillespie and Jonas Watts. I was instrumental in getting up the Tessanier case, and also the Biggerstaff case.

Question. In your testimony in regard to the action taken by Mr. Logan, Mr. Carpenter, and others, does it not appear that Logan took very conspicuous action in reference to these cases? Did he not, after arresting these men, refuse to attend at the time fixed for their hearing?

Answer. No, sir; he did not. I have stated that the first men were arrested on Monday. The deputy sheriffs were required to continue their exertions, and to arrest all the parties on Tuesday. The whole community was very much excited, and quite a number of the men were examined. Tuesday evening the sheriff of Cleveland came up with a statement that the citizens of Cleveland were very anxious to have their court held, that the lawyers and jurors were waiting; also brought an assurance of the citizens that nothing would be done wrong there, that they would preserve peace and order, for they were very anxious to have the court go on. In view of that, and I think with the hope of quieting the public mind as much as possible before the hearing, and give everything time to settle down, to allow the great excitement that then existed to pass away, he took this bond. I thought, and think yet, that it was greatly to the injury of the cause of peace and order; I think he ought to have put them all in jail right there, with a heavy bond, for I think their conduct deserved it.

Question. Before any hearing at all?

Answer. No, sir; I think he ought to have let the Cleveland court go; and to have sat down there and inquired into this villainy from day to day and week to week. We felt that Judge Logan had fallen very far short of filling the measure of his position.

Question. What was his quarrel with Schenck?

Answer. Well, sir, it was all about his letter to you. I know of my personal knowledge that he regarded Mr. Schenck as one of the cleverest members of the bar in his circuit. I had heard him speak of him in complimentary terms as a gentleman; he always

seemed to have rather more regard for him than any other member of the bar, who practiced before him, down in that section of the country.

By the CHAIRMAN, (Mr. POLAND :)

Question. Where did Schenck live?

Answer. He lived in Lincoln County. He is a man of some prominence at the bar—a very good lawyer in the country—and nothing was more surprising to Judge Logan than the letter that Schenck wrote to Senator Blair, and which was published. To my personal knowledge, I know the letter was false from beginning to end; almost every statement that he made in it as a fact was a falsehood. I am upon my oath, and, so far as I know, Schenck's letter was pretty nearly entirely false; so far as I have any information about the matters, he did not tell the truth at all. Judge Logan had held the Lincoln court before he saw this letter; Schenck was there, and Judge Logan treated him with all the courtesy he usually showed him. He knew nothing about it until he came home, and then he found the paper there containing Schenck's letter. He was very cool about it; I felt like if he did not take steps against it, it was not worth while for us to have judges or anything else. A man who will use such language as that about a judge can have no respect for judge, law, or anything else, especially when all his expressions about the judge are false. Logan is not low down; he is not ignorant, nor corrupt, nor vile; and he did not do the things that Schenck alleges in that letter; so far as my personal knowledge is concerned, he did not do any of them.

By Mr. BLAIR:

Question. What was it he alleged that Judge Logan had done?

Answer. It was that he had arrested a large number of citizens, imprisoned them, and then refused to hold the court at Cleveland.

Question. Did he not refuse it?

Answer. No, sir; and when Schenck wrote that letter to you, he had no means of knowing what Logan had said, because the date of his letter to you was before Judge Logan's letter to Governor Caldwell was published. Schenck could not have known; he did not appear the first day of the court.

Question. You say that Logan did not arrest a large number of citizens?

Answer. I say he caused to be arrested a large number of citizens; but he did not imprison them, nor did he treat them as that letter indicates; he caused to be arrested upon his warrant some twenty persons. There was a warrant for more than were arrested. I say the party intended to convey to your mind by that letter that which of my personal knowledge, so far as I can speak of the matter, was not the truth.

Question. Those were the principal statements of the letter?

Answer. Yes, sir, it was about that; that he had refused to hold court at Cleveland, but arrested a large number of citizens. It went on to carry out the idea that he would not try them, but just kept them in prison.

Question. Has he tried them?

Answer. No, sir, and I have stated the reason why he has not.

Question. Why?

Answer. The citizens of Cleveland County sent up to him to hold their court; and then he had a desire to put these men under bond, so as to wait for the public mind to cool a little—for the excitement to pass away. The trial was continued for a few days or weeks, and he bound the parties in the mean time to keep the peace. In that I think he did wrong; I think he ought to have tried them.

By Mr. POOL:

Question. Did he go to Cleveland and hold court?

Answer. He did.

By Mr. BLAIR:

Question. He subsequently punished Schenck?

Answer. Yes, sir; when he held the Gaston court he served a rule on him for contempt. Schenck plead the late act of the legislature, which I think was designed to allow a lawyer to abuse a judge as much as he pleases, so that he does not do it right before the bench. Logan would not recognize that statute, and an appeal was taken to the Supreme Court. Since I have been here, I have learned that Schenck has been reinstated.

Question. They have decided that it was not a contempt unless committed in the presence of the court?

Answer. Yes, sir; under this new statute; but under the old statute of 1868 and 1869 it would have been a very great contempt.

Question. Logan disregarded the new statute?

Answer. Yes, sir, and made the rule absolute against Schenck; that is the beginning, and so far as the trouble has gone with them. I state further that last year Schenck was reported to be the chief of the Ku-Klux in that county. There is no doubt that

when Governor Holden was after them he fled the country. He went away to some other place, and I have heard that he was in great fear of being arrested as a chief of the Ku-Klux.

Question. Do you know anything about his connection with the Ku-Klux?

Answer. Nothing in the world, only what I have heard from other persons. My acquaintance with him has been very limited; I supposed him to be a very fair-minded, clever man. I certainly knew him as a first-rate lawyer in that section of the country, and I was very much surprised to read his letter to you.

Question. Did you take any part in the Biggerstaff trials?

Answer. No, sir; I had nothing to do with it; I was at church in the country when the news arrived.

Question. Of the first attack on Biggerstaff?

Answer. Yes, sir. I had no knowledge in the world of it until the judge sent a man out there to the constable to summon some men there that evening to report with the sheriff. I had nothing to do with the issuing of those papers.

By the CHAIRMAN, (Mr. POLAND:)

Question. To summon them as a sheriff's posse?

Answer. Yes, sir; and I was summoned as one of that posse, and I went.

By Mr. BLAIR:

Question. That was the first case?

Answer. Yes, sir; I went with the deputy sheriff, young Mr. Walker, the son of our sheriff. We had great trouble in arresting one man; he violently and positively refused to submit to the arrest. There were only six or seven there of the posse, the balance having gone on to town with the men who were arrested.

Question. Who was that?

Answer. Mr. James Sweezey. He is accused of having been engaged in a great many of these cases. I think he had been drinking some that evening; he indignantly turned away from the gate, swearing that he would not be taken. The sheriff got down from his horse, and told us to follow him, which we did. Sweezey wanted to fight all the men there; he gathered up a pair of wagon-gears—he was about to gear his mules when the sheriff went to him—and he tried to strike a man named Scoggins. Scoggins drew a pistol and was trying to shoot. At one time he came at Scoggins, swearing very violently, and the pistol was right at his breast, and I saw him press his finger on the pistol, and I turned it aside. I think Jim Sweezey was one of the men in the crowd who got my discharge. I have heard by private letter since I have come here that he has run away from the country.

Question. You were subsequently engaged as counsel; was it by appointment of the court, or in what way?

Answer. By appointment of the commissioner.

Question. What were the cases which you were to prosecute?

Answer. The first case I appeared in was the case against the parties who whipped old Mrs. Downey, the old woman that was going to marry; I succeeded in having them bound over to court. The next case, I believe, was that against the parties who committed the second outrage upon Biggerstaff. I appeared in that case, and had not much trouble about the investigation. I asked the witnesses very few questions; their statements were plain, and positive, and to the point; I did not see that it was important that I should ask them many questions. They were submitted to a very thorough and rigid cross-examination by the four very honorable attorneys on the other side. We got on with the case, until I saw fit to close for the prosecution, and the court then adjourned for dinner. After dinner the counsel for the defendant got up and said that they were willing that the parties should be bound over without offering any testimony.

Question. They waived any further examination?

Answer. Yes, sir.

Question. Was that the case in which you made the remarks referred to by the party at the time they had you out?

Answer. No, sir; we had quite a discussion as to what court this case should go to. I argued that the parties should be sent to the circuit court in Raleigh, and Mr. Carson and I had quite a discussion over that. He alleged that it would be simply judicial murder to require those men to go to Raleigh. The commissioner decided with him and bound them to appear at Marion, twenty-five miles north of us, in McDowell County; there is a special term of the district court of the United States to be held there in August. My motion was to take them before the circuit court, which was soon to come off at Raleigh.

Question. They argued that it was improper to carry accused men so far from their witnesses?

Answer. That was their idea; mine was that if they were guilty at all, they were guilty of one of the most flagrant crimes that had been committed by any citizen of the

United States, to thus attack persons who were going as witnesses to court. I thought that if the country was going to have protection, we should know it right soon, not wait until August. The case where I referred to the hanging of the leaders and excusing the poor men was the case of the Government against John Goode, two of the Hames's, and others.

Question. What was that case?

Answer. That was the case of an outrage upon Gillespie and others. They went to several places that night; we had testimony in regard to different places.

Question. What did they do that night?

Answer. They whipped some people, broke open several doors, dragged men out of houses, and took articles in different places.

Question. You recognized Goode afterward among those who attacked you?

Answer. Yes, sir; I did.

Question. And your speech upon that occasion was commented upon generally by that crowd?

Answer. By several of them, and more particularly by the one who put the questions to me.

Question. By Goode himself?

Answer. Yes, sir; it was Goode that made that expression. On that evening, when the trial was over, he said I ought to treat him, because I had been so hard on him. I replied that I had been very easy on him, and that, if any treat was due, he ought to give it to me. He said "I believe you would have hung me if you could." I replied, "No; I was as easy as I could be, believing the testimony." He said, "You believe that, because you would take the testimony of a nigger before you would that of a white man." I said, "No; I do not do any such thing; I would believe the testimony of a negro as soon as that of a white man when I think he tells the truth."

Question. He brought that up to you that night?

Answer. Yes, sir; we had also the testimony of Gillespie.

Question. What was the attack upon Gillespie about?

Answer. They broke his door open, and some men came in and pulled him out of the house against his will; kept him out about the gate for half an hour, and talked over politics generally; they told him that he was a radical, and had run a long time; that they thought two hundred lashes would make a good conservative of him, and they had come there to give it to him. I believe he said "two hundred;" they did not say "lashes" or what; that they thought two hundred would make a good conservative of him. After threatening him, they told him not to tell anything that had happened, and not to vote that way any more; that if he did, they would see him again. They let him off without a whipping. Mr. Gillespie was formerly a magistrate of the county.

Question. And Goode took a conspicuous part in that raid?

Answer. Yes, sir.

Question. Was he recognized by Gillespie?

Answer. Yes, sir; all the witnesses swear to him. He seems to have a peculiarity of voice that is very easily detected; it is rather a whining, soft voice, so that any man familar with him would readily recognize him. And I believe it was said he did not wear any disguise.

Question. He had no disguise on?

Answer. Nothing but his face-covering—no body-cover; some of them saw him by the light in the house.

Question. Did you recognize any other of the persons who were engaged in that raid as being engaged in the raid upon you?

Answer. There were two cases against Goode; one was the case of Gillespie and others, and then there was a previous case, on a different night—the attack on Watts. In that attack he and William Webster were recognized. And the two McCombs were also recognized in both parties; they have left the country. William Webster, Goode, and George Holland were bound over together in the Jonas Watts case; and Goode, Holland, and the two Hameses were bound over in the Gillespie case. Some others were discharged; they were not recognized by Mr. Gillespie, nor by the other parties.

Question. Were not all those men whom you recognized in the attack upon you engaged in the second attack on Biggerstaff?

Answer. There are none of them charged.

Question. Was not Harrill there?

Answer. No, sir; that was John Harrill. He lives within six miles of town, and had nothing to do with the Aaron Biggerstaff case; had not been known in it.

Question. Did you not say that Owens had something to do with the Biggerstaff case?

Answer. He had something to do with the first Biggerstaff case, but not with the second. He was not in the crowd that had me. I understood that he was in the crowd that was hunting round after Biggerstaff.

Question. Were the Shotwells in the Biggerstaff case?

Answer. They have never been charged with any raid that I know of, except the one I charged them with.

Question. Did you not say they were believed to be chiefs?

Answer. Randolph is, but I do not think Addy is a bad boy; I think Randolph is leading him into trouble.

Question. He is a leader in the county?

Answer. He is the leader of the Ku-Klux organization in the county.

Question. You say that is believed?

Answer. Yes, sir; that is said by this man who is a member of the Klan; that is the information he has.

Question. Were either of the De Priests charged with the Biggerstaff raid?

Answer. Not with the second, but they are charged with the first.

Question. How is it in regard to Gaither Trout? Was he charged with the Biggerstaff matter?

Answer. He has had nothing to do with anything over that side of the river that I have heard of. The De Priest, Biggerstaff, and Owens crowd are all over in the Cherry Mountain country; and the Robinson and Burnt Chimney community are divided from them by the Second Broad River.

Question. Were any of these parties engaged in any of the other cases before the commissioner that you have named?

Answer. I think I have mentioned all that were connected. The men charged with being connected with the last Biggerstaff case were the two Witherows, Toms, Bedford Hunt, and two of the Gattises; they are charged with the second Bickerstaff case. I believe that Jim Hunt was in the crowd that night they were after me. I heard of his going up toward his home early next morning. He lives twenty miles from there; I think it likely he was there, but I cannot swear to it. Jim Hunt was camped on the public road within a mile or two of where Biggerstaff was, but above his camp.

Question. On the night of the second attack on Biggerstaff?

Answer. Yes, sir. That is the first Ku-Kluxing that I have heard him charged with. If he owed me any personal spite I did not know it. I was at his house last fall on revenue business, and he treated me very kindly.

Question. You say you have not charged him with being there?

Answer. No, sir; if he was there I did not know it; I only say that it was my impression that he was there.

Question. This Biggerstaff case has attracted more attention in your community, has it not, than any other case?

Answer. Yes, sir; it has been more violent than the others; there was more injury inflicted and more parties engaged in it—larger numbers than were engaged in any raid until the raid on me. I think there were probably as many, or perhaps more in that than in any other raid we have had. I think the community felt more shocked and more desperate about this negro-killing than anything that has happened in our county.

Question. By the young Adairs?

Answer. Yes, sir. Without regard to party relations, I believe they would have hung them on motion, without a trial, for the first month afterward. The feeling is so bitter against them by everybody—I have been employed by their father for their defense—that I have been approached by quite a number of my political friends who live in that section of country, and begged not to have anything to do with it, because it would destroy me politically, if I appeared in their defense. They said the republicans were all afraid that they were guilty, and that they were anxious that they should be punished for it. There has been more of general expression of condemnation for that outrage, and I think deservedly so, than for any other, because life was actually taken there. I know I felt very much outraged about myself, and regretted it.

Question. Now, in looking over this whole matter from beginning to end—I have no doubt you expected to be killed at the time they had you out—but in looking back over it all, do you believe those men had any intention to take your life?

Answer. Yes, sir, I do; I have looked the matter over very carefully, and oftener than I desired to do; it is a subject that I have thought of a great deal; I can hardly think of anything else now; I think that man told me the truth—that my death had been decreed at some camp; they had a very large party at Amos Owens's, and there were probably a hundred Ku-Klux there; I think it was deliberately agreed by the leading men to put me to death, and it was made the duty of this man, and the men who went with him, to execute that order; but, in consequence of my appeals and my promises, I think I gained his sympathy; he told me so repeatedly, and assured me it was so, and we parted mutual friends; I do not know him, but I would treat him as a brother anyhow.

By the CHAIRMAN, (Mr. POLAND:)

Question. That is one of the promises you made which you intend to keep?

Answer. Yes, sir; for I believed then, and I believe now, that he was the means of saving my life that night.

By Mr. BLAIR:

Question. From your detail of the circumstances, he seemed disinclined from the very first to do any such thing?

Answer. He first commenced to converse with me, after asking about Logan, by telling me of my course, and asking me if I could assign any reason why I should not be killed; he told me of the order that had been made to kill me, and asked what plea I had to make; I plead pretty smart, indeed I did; I referred him to my condition as a man, to the course I had pursued in the community as a citizen; I told him that if to abandon my politics would save my life I would certainly be very glad to do so; that I did not wish to lose my life; that if I was wrong, I was innocently wrong, and that I would give up my politics, if necessary, to save my life; I appealed to him and to them for sympathy on account of my family; he then said that he knew my wife when she was a girl.

Question. And told you that you did not know him?

Answer. Yes, sir, he told me so; but my wife was raised down in the Robinson Creek community. I have learned since what convinced me that he lives down there. I have heard of two young men who came up to this Cherry Mountain place, and some of the men there indicated one to me when I described the chief; they said, "You have described that man exactly." I think the command was assigned to him because he was a South Carolina chief.

Question. It is a little extraordinary that a man who did not know you, for he told you that he did not, and that you did not know him ——

Answer. Yes, sir, that is what he said.

Question. It is a little extraordinary that he should have been kindly disposed to you, when your friends and neighbors, with whom you have always been upon good terms ——

Answer. Yes, sir; I have never had any dispute with them. I might have considered the remark of Goode about negro testimony as an insult, but I considered the source it came from—that he was an ignorant, insolent puppy; I have never had any trouble with him except to denounce the Ku-Klux bitterly and boldly.

Question. From this chief's conversation with you, he seemed to have derived a good opinion of you from his conversation with your neighbors?

Answer. No, not that, but from his conversation with me that night; he said that he had formed a different opinion of me from that he came there with. He said that he had heard a great deal about me; that he knew my wife when she was a girl, and, said he, "I am certainly very sorry for her, and I would like to turn you loose."

Question. Do you believe that a man who was a stranger in the community, unless the thing was all got up by preconcert, would set himself up against all your neighbors who were demanding your death, and let you go free?

Answer. I do not know; it might have been a preconcerted arrangement to extort this promise from me. I only state the impression made upon my mind.

Question. Does it not seem to be more natural that your neighbors who were associating with you every day, instead of being more impatient to take your life, had entered into this arrangement simply for the purpose of extorting this promise from you?

Answer. I say that is possible, and it is a reasonable construction.

Question. Is it not more reasonable than to suppose that a stranger would set himself up against the opinions of your neighbors?

Answer. I think the stranger had the right, being in command; and I do not believe he had the political spite against me that these men had who had heard me condemn the conduct of the Ku-Klux. That is the view I take of it; that he did not in his heart feel any hatred toward me, except that I was a republican; but they did, because I had denounced them and their clan, and in very unmeasured terms.

Question. He was aware of that?

Answer. Yes, sir, but it did not sound to him as though he had heard it in person. Last March, when I was at home, I made a talk to the people. I said that I did not speak in the interest of my party, but I wished to talk to my constituents about questions that interested them. I made one very severe remark against the Ku-Klux; and I was told after that that one man had said I would catch it for making that remark. I was told by a magistrate, a respectable man, in this Burnt Chimney Township; he said he heard a man who was going home that evening say that he scringed from me when I made that remark. I can state that remark I made.

Question. State it.

Answer. I was referring to articles in the Sentinel newspaper, in which it was demanded that I and other republicans in the west must and would vote for the bill to call a convention, in order to secure a two-thirds vote in the house; there were some republicans needed to make out that two-thirds vote. The Sentinel made out a list of those who would vote with them, mentioning myself with the others. I explained to the people my views on that subject; I told them, what I have repeated here, that Mr. Carson and myself both opposed the calling of a convention; that I had had no letter

from any conservative or republican in my county, while I was in the legislature, suggesting that I ought to support the calling of a convention. I said: "I think Rutherford County is well represented to-day on that matter; but if you will get together, not as a party, but as the citizens of Rutherford County, and pass a resolution for me to vote for this bill, I will do so when I return to Raleigh, though I am opposed to it." I referred to a remark of Turner, that I represented a white county, and ought for that reason to vote for the bill. I said I felt proud of all the constituents I had the honor to represent, except the Ku-Klux; but I said I was not proud of them or anything they might do; that I was not proud of anything about that class of people, that I would be proud of nothing about them, unless I had a receipt for them in hell. That was a very ugly word, but that was the word I used. After that the magistrate told me that I should be very cautious, for he had heard a man say that I would catch it for that remark. I have heard of threats of that kind in numbers that I could not tell if I took till to-morrow morning. I abused the Ku-Klux very bitterly last summer. I looked men in the eye that I believed were Ku-Klux, and denounced their organization and conduct in as unmeasured terms of abuse as I could heap upon them, and I did it repeatedly. I was not afraid of them then; I did not think that their organization had extended to that degree that they would attack me. But I think differently now; I am really a refugee from my home, for if I live there it must be by being guarded by soldiers or by my friends.

Question. You say there is a majority of republicans in your county?

Answer. Yes, sir, and there always has been.

Question. A majority of white republicans?

Answer. Yes, sir; in my opinion, there is a majority there to-day, if a free expression of opinion could be given. I do not pretend to say that we would carry any election there by the white republican vote, for I believe that if we were to vote there to-morrow the conservatives would beat us on any question, or would do so in August. But I believe there is a decided majority of republicans in that county if they could give free expression to their opinion.

Question. I asked you simply about the number of republicans?

Answer. I answered by saying that if a free expression could be given, without intimidation, I thought there would be a majority of republicans there.

Question. Are all the county authorities on your side?

Answer. Yes, sir; our county commissioners are republicans, our sheriff is a life-long republican. We claim to come down from the Union men; we who were with you in sentiment when you were fighting the rebellion are generally republicans now. Some, like Mr. Merriman, have gone further; I refer to him because he is very prominent.

Question. As that is the case, and as it is also the case in a number of the mountain counties in your immediate neighborhood, with the organization of the county under your control, with a superiority of numbers even of white men, with the government, State and Federal, upon your side, I wish to know why it is that you should represent yourselves as being in such a condition of intimidation and fear from the minority there?

Answer. I can explain it to you, I think, to your satisfaction. The minority in the main is thoroughly and completely a military organization; they are thoroughly and well organized, thoroughly officered and disciplined; they go in secret and disguised to attack us singly and alone. An organization of that kind we regard as unlawful, both under the State and the national law. There are various statutes on our statute-books forbidding any such organization. Why was it, then, that in a town where we can carry the municipal elections, when a band of disguised men came upon me I could not find a man, friend or foe, to take my part? And I believe I have as good friends there, and men who would fight for me as readily as one man would for another. Why is it that I am dragged out alone, and when I return to town I cannot find a single man about there, democrat or republican?

Question. You must answer that question yourself.

Answer. It is because of this organization, and the terror it carries with it in the community. Every individual who must stand alone and upon his own merits in his own home is afraid of these men. If the citizens were organized the case would be different.

Question. I understood you to say in your testimony that you and your friends were on your guard and were all armed?

Answer. Yes, sir, in this way: three or four of us on some nights, six or seven on some nights, sometimes perhaps ten, would mutually meet together. It was no secret from the conservatives of the community. We were threatened, and we heard every day that they were going to come into town and maltreat all of us. We would take what guns we had and get together upon our own premises, or meet at the courthouse door with a determination to fight them if they did come. There were no officers, there was no organization; it would be like any half a dozen men going out for that purpose. We mutually agreed to watch; that was all. But the republicans are not organized in any kind of organization, except by party lines such as are common to all parties. And we have but very few arms; I do not suppose the republicans of Ruther-

ford County could raise to exceed fifty double-barreled shot-guns in the whole county. We have more about town than anywhere else; men who live about town usually have double-barreled guns for bird-shooting. But the farmers usually have long-barreled rifles to shoot squirrels with; a good bushwhacking gun, but not very good for fighting. I say to you that I am ashamed that we have not resented and resisted our wrongs; we ought to have done it, but we have not done it. It is because we have feared that in doing so we would become violators of the law. I feel that if men would stand by me and assist me, I ought not to be driven from my home when I have done nothing why I should leave, and have my interests there destroyed because I entertain certain political views, whether I am right in them or wrong. I have always said that any man who lives on the continent of America should be allowed to express by his vote such views as he pleases. I have never endeavored to control the vote of a conservative, except by argument; never in my life.

Question. You do not pretend that all the democrats in your region of country countenance such things?

Answer. No, sir; I say there are some honorable exceptions; I think there are some there who at heart very much desire this thing shall be broken up. But I say that, until lately, no man, preacher, physician, lawyer, or anybody else of the conservative party, has raised his voice against it. I have been told by ministers of high respectability, when I urged upon them to use their influence——

Question. Did it never occur to you that those men probably did not believe in the existence of the organization?

Answer. I have been told by ministers that they were afraid of these men, were afraid to say a word about them in the pulpit, men who I do not think believe in very decided political controversies. They usually vote the conservative ticket, I believe, but I do not think they care anything particular about politics. I know one minister who has, in his church, boldly and very earnestly spoken against it as a great sin, and one that would ultimately bring ruin to the church. And I believe that communicants of the same church have committed these outrages upon one another in my county.

Question. What makes you believe it?

Answer. Because I know men who are members of the church who have been outraged, and I think I have good reason to believe that members of the same church participated in it. I state it as a matter of belief; I know those persons are members of the same church.

By Mr. POOL:

Question. Are you a member of the church yourself?

Answer. Yes, sir; I am a member of the Baptist Church.

By Mr. BLAIR:

Question. Now, with a white majority of the republicans, and, as you say, a large number of the democrats who you say are opposed to this thing——

Answer. I think there is not any very great number, but I think there are some. I desire to mention, in that connection, Dr. Crayton, of my town. I believe he is thoroughly opposed to it; and yet he is a very ardent democrat, and fought Know-nothingism when that prevailed. He is an ardent democrat, and was a secessionist; but I think he despises any such thing as that. I believe he will fail to coöperate with the conservative party if they do not quit these practices; and I believe there are others who will do the same thing. I speak of him because I regard him as a leading man. I believe Mr. Churchill will be driven away from the party to which he belongs, and which he has supported, if they do not quit their course. While he is a democrat in principle, if a majority of his party go into this thing, he will stand aloof and not hold political relations with them. In fact, he has told me so recently. And while I believe Mr. Carson was willing to receive any assistance the Ku-Klux might give him by way of votes, I do not think he believes in such things as this. He told me that if he had been there that night he would have gone any distance to defend me. I will go further also in regard to the Carson family; though his nephews were charged in other cases with being engaged in these things, I do not believe any of the Carson connection had anything to do with the raid on me.

Question. And you assume that all democrats are really Ku-Klux?

Answer. I assume this: I do not say that all the democrats are Ku-Klux, but I do say that all the Ku-Klux are democrats. I say that this order is in the interest of the democratic party. I do not believe they would have organized it for an instant as a secret Klan, except to further the interest of the democratic party. That is what I believe from all the surroundings.

Question. It seems that in the very origin of this business, originating with the attack upon McGahey, there was no politics at all. McGahey and his friends found no difficulty in getting persons to pursue these people, and they actually went so far as to fire into the house of one man, and then the next day deliberately shot down another man who was involved in it.

Answer. Yes, sir. I do not know what was the motive of the men who attacked McGahey; I never have heard their motive stated. They accused him of being a liar, or a bad man in some way, and said they were going to kill him; that is what his wife said. But they were organized and went around in disguise long before the raid on McGahey. Their organization is known to be in the interest of the democratic party, and no man with the information that you must all have can doubt that the organization exists in the South to-day. They are organized for an unlawful purpose, and they are politically in favor of the democratic party, and they do a great many deeds to further its ends, and to put down the other party; while thus organized they choose to step aside to commit all kinds of depredations, such as appropriating money, guns, pistols, and other valuable articles. Of course that is not political, but their organization is political.

Question. Your mind is running so strongly on that that you do not take the point I was attempting to present.

Answer. What is that?

Question. That there was no difficulty at all in McGahey—who you say was a man without much influence in the community, or very little consequence at all—there was no difficulty in his getting together a large number of men immediately, on the same night, for the purpose of pursuing this party that had made a raid on his house.

Answer. I see your point now. That is right where we made our mistake, that we did not pursue the course he did that night. If republicans had done their duty—I do not mean as McGahey did, shoot in men's houses—but if we had followed them up, we would not have these things now. But the republicans were not then so bold.

Question. You speak of them as being republicans, but at the same time, in giving the reasons for this visit to McGahey, you have not assumed that it was because he gave republican votes, or that it was done in the interest of any party?

Answer. I assume that it was democrats who did it, and it was republicans who hunted them.

Question. Were they all republicans who hunted them?

Answer. I have said that I did not know exactly what McGahey was. Aaron Biggerstaff and Holland and Tony were republicans; and I think every one that pursued them were republicans in feeling.

Question. How many of them were there?

Answer. I do not remember; some six or seven, I suppose, two or three boys, old man Biggerstaff, Tony, Holland, Ramsay, and McGahey. No, there can be no doubt about this thing, and a man who has seen it and felt it as thoroughly as I have knows that the thing is political. I do not say that all their acts are political acts; but I do say that if it was not for furthering the interest of the democratic party in the South, I will swear, to the best of my judgment, there would be no such organization there to-day.

Question. Is that your opinion about it?

Answer. That is my opinion, honestly entertained, from all the information I have about it.

Question. Did it never occur to you that this assault upon McGahey, being the beginning of this business in your county, leading to so many of these troubles, especially to this Biggerstaff difficulty—did it never occur to you that if it had any political complexion at all, it grew out of the fact that this band of republicans got together, and pursued and actually killed one man, for this raid upon McGahey?

Answer. I do not view it in that light for this reason: It was a thing well known to us in that State, and it had had the same complexion everywhere, from the sea-coast, where it had begun, or in that direction, up gradually as it moved west; it had the same complexion everywhere. And when it came into Rutherford it was no new thing to us; it was new to us as individuals, but the thing itself was not new to us. This opinion about it had been believed everywhere else, and it naturally took that shape with us. The truth is that none of the democratic party are willing to indorse what they say in their public speeches and prints they do indorse. They are not willing to indorse now the negro and enfranchisement; at heart they do not indorse it. And that is the keystone and foundation corner of this organization—the purpose to resist the enfranchisement of the negro.

Question. How do you know that?

Answer. From the appearance it seems to have, and what they say. I have been the victim of a very formidable raid by them, and some were very intelligent persons; they told me that was their purpose. And then I speak of it because that is the tone and feeling of the whole thing down there, and has been ever since I have been in politics. I know democrats who will now scrooch up pretty close, shoulder to shoulder, with the negroes; yet they feel themselves disgraced, if they will tell the truth about it, to even be in the halls of legislation where the negro is. But now that they are voters, that the laws of this nation have made them their equals in politics, the democrats say a great many lovely things about the negroes. But it is not for choice, or for principle, but in my opinion it is for the sake of party success.

Question. Is it also your opinion that the giving the vote to the negro was not a mat-

ter of predilection to the individuals who composed the republican party, but was given from a desire to get their votes, when they knew they would not get the votes of the white people down there?

Answer. We in the South did not desire negro suffrage until Congress offered it, and then we accepted it; and I think I know the light in which we accepted it. We had attempted by the aid of the white people there to restore the States to the Union, and it was a failure. The sentiment there was going strong against restoration. We foolishly thought—I would much prefer that our State was to-day a military district, so far as security for life and property is concerned—but we foolishly thought that it would be a good thing to have our State restored to the Union at as early a day as possible. All our desire was to be as speedily as possible restored to our place in the Union, and have restored to us our rights of representation here. When the Government said, "Take the negro and be restored," we did it cheerfully with that view. And the idea that the negro would vote against the party that was in control of the National Government when he was made free is a very ridiculous idea. There was a man having the fetters of slavery on him, and the Government came up to him and said, "You are free." A large body of the white people there said that it should not be so if they could help it. The Government said, "We will give you this blessing of freedom, and we want you to enjoy it." Would it not, then, be the most cruel act, even of an ignorant man, to commit upon himself and his own race, to turn around and vote for the party who would take away from him all those rights?

Question. Do you not think that was the idea when the vote was given to them? Do you not think that reconstruction upon the idea of giving these colored men the right of suffrage was simply for the purpose of obtaining their votes?

Answer. No, sir; I do not think so, and never did think so. I have no means of knowing what the intention of Congress was.

By Mr. POOL:

Question. There is one little thing I forgot to inquire about. Were some of these Ku-Klux confined in jail at Marion, where the judge had ordered the United States district court to be held in August?

Answer. In order to state that fully I must state what the case was. There were men confined there——

Question. Were persons charged with Ku-Klux outrages confined in Marion jail?

Answer. Yes, sir.

Question. And the judge had ordered a court to sit there in August?

Answer. Yes, sir. It was his western term; he holds a court somewhere in the western part of the State—Judge Brooks does—each year.

Question. He has ordered a term in Marion for the third Monday in August next?

Answer. Yes, sir; that was a term ordered last year.

Question. Those persons were in jail in Marion?

Answer. They were committed there on a warrant issued by Judge Henry, and he bound them over to appear in the United States court?

Question. What has become of those persons?

Answer. I have understood that last week, since I came to Washington, about the 28th or the 29th of June, a number of men went there and took them out of jail and released them.

Question. Released them?

Answer. I think the letter I received stated that the jail was broken open, and I think the newspaper stated that the jailer made no resistance; anyhow, they were taken out.

Question. How far is Marion from Rutherfordton?

Answer. About twenty-five miles.

By the CHAIRMAN, (Mr. POLAND:)

Question. Were the men who were there in jail from your county?

Answer. They lived in McDowell County, away up in the corner where Rutherford and McDowell join; they lived on the McDowell side of the line, but as near to Rutherfordton as they did to Marion, I reckon.

Question. On the border between the two counties?

Answer. Yes, sir; but in McDowell County. They committed an outrage there upon a lady and her family; they had disguises on. Afterward they took one man out, and were going to kill him; finally they asked what he would give to be discharged.

Question. I do not know that I care much about all the particulars.

Answer. I wish to state one point; they bought liquor and drank it up, and got so drunk that they hauled off their face-coverings.

Question. They got so disguised that they became undisguised?

Answer. Yes, sir; they disguised their minds so that they exposed their bodies.

By Mr. POOL:

Question. And by that means they were recognized and caught?

Answer. Yes, sir.

Question. Those were the men who were turned out of jail?

Answer. Yes, sir.

Question. How long was this Samuel Biggerstaff affair previous to the attack on Aaron Biggerstaff?

Answer. The attack on Samuel Biggerstaff occurred in the early part of February, 1870; the attack on Aaron Biggerstaff occurred on the night of the 8th of April, 1871.

Question. There was more than a year between the two cases?

Answer. Yes, sir.

Question. Was Decatur DePriest killed at the same time of the Samuel Biggerstaff affair?

Answer. Yes, sir; the next day.

Question. Was he supposed to be a member of the Ku-Klux organization?

Answer. Yes, sir; he was also said to have been the chief of the first camp organized in the county.

Question. You said you thought the attack on Sam Biggerstaff, and the killing of DePriest, the chief of the Ku-Klux there, more than a year previous, had something to do with the attack upon Aaron Biggerstaff a year afterward?

Answer. I think so; for they asked Biggerstaff if he had not harbored McGahey.

Question. You spoke about that contempt statute; I do not remember that. Have any public prints in North Carolina been in the habit of abusing judges and accusing them of corruption?

Answer. Yes, sir.

Question. And diminishing their authority in that way?

Answer. There is nothing more common.

Question. Had that occurred previous to the assembling of the last legislature?

Answer. Yes, sir; ever since the judges were elected.

Question. Did you view that action on their part as an attempt to break down the authority of the judges?

Answer. Yes, sir; I think also that it was an attempt to bring them into disrepute, and lead the people not to respect their authority.

Question. You supposed that was in the interest of the Ku-Klux?

Answer. Yes, sir.

Question. You say the last legislature repealed the statute in regard to contempt, and passed a statute providing that nobody should be punished for contempt unless committed in the presence of the court?

Answer. Yes, sir.

Question. Did you suppose that was passed with the same view?

Answer. I supposed it was to allow the lawyers of the State to abuse the judges as much as they pleased.

Question. Was that a democratic legislature?

Answer. Yes, sir.

Question. Was any punishment inflicted upon Schenck?

Answer. He was merely disbarred as an attorney for three counties.

Question. It was simply a refusal on the part of the judge to allow Schenck to practice before him?

Answer. Yes, sir.

Question. Did you hear that Mr. Schenck was a chief of the Ku-Klux for Lincoln County; was that alleged before this affair with Judge Logan?

Answer. That was reported a year ago.

Question. It is not something gotten up since this difficulty with Judge Logan?

Answer. No, sir; it was reported in connection with Governor Holden's Ku-Klux war.

Question. You say that Schenck then fled from that section of the country?

Answer. I heard that report frequently.

Question. That was before the Logan affair?

Answer. It was last fall or last summer.

Question. When you spoke of this man and that man not being charged with committing Ku-Klux outrages, did you mean that he had not been prosecuted?

Answer. I meant that they have not been prosecuted in court upon that charge.

Question. You did not mean that they had not been accused, by common repute, of being engaged in committing Ku-Klux outrages?

Answer. No, sir; not that.

Question. Is it understood that men come over from counties in South Carolina, from Spartanburgh, York, and other counties there, to help the Ku-Klux in your county?

Answer. I have heard threats of that kind. A threat was sent by some fellow down there, whose name I do not remember, to the editor of the Star, about two months ago, that he would visit him very soon; that he might rest assured of that.

Question. From Spartanburgh?

Answer. Yes, sir. And when raids are committed they usually state that they are from South Carolina. That was the impression tried to be created that night with me

I remember that they told me that they were going to take me to Governor Scott in South Carolina; I did not think of that before. I heard of some men crossing Broad River at Poor's Ford, about 9 or ten o'clock at night; six or seven disguised men came across there.

Question. From South Carolina?

Answer. It is a few miles from the South Carolina line.

Question. Was that the night of that attack on you?

Answer. Yes, sir. And then I heard of four men stopping on the Rutherford side of the river the next morning to get their breakfast; they were South Carolinians, were very wet and muddy, and one of them was very much smutted. He was asked what caused the smut on him, if he had run into a coal-pit; and he made no reply. My opinion is that he had been engaged in breaking up the Star office, and had got ink on him.

Question. Do men come over from Cleveland County to assist the Ku-Klux in your county?

Answer. Yes, sir; that is common along the line; the Ku-Klux there are as thick as people live, hardly anybody else down there but persons generally supposed to be Ku-Klux, that is, those along the Cleveland line.

Question. Have the democrats a large majority in Cleveland County?

Answer. Yes, sir. There was a respectable democrat run last year against the regular nominee, and, I think, McAfee, the regular candidate, beat him about eight hundred votes.

Question. There was no republican candidate out?

Answer. No, sir.

Question. Is there any fear on the part of the republicans of Rutherford, that if they were to attempt to resist the Ku-Klux outrages, the Ku-Klux would be reënforced from South Carolina and from Cleveland County?

Answer. Yes, sir. And I will state in that connection that I heard my brother say that Mr. Jones, who lives at Poor's Ford, said that we were in great danger there, and we ought not to say a word, ought not to talk about it.

Question. Is your brother a democrat?

Answer. Yes, sir; I do not think he is a Ku-Klux, but he loves the democrats so well that he will palliate their crimes for the sake of sticking to the party.

Question. What did he tell you?

Answer. He said that Mr. Jones said that the night after the Biggerstaff prisoners were discharged on a peace warrant, they were bound over and allowed to go home; they were brought there on Monday night, some on Tuesday, and on Wednesday morning they were discharged. Mr. Jones said that five hundred Ku-Klux came there from South Carolina, as far as the river, for the purpose of going to town to release them; that he told them that all the prisoners were discharged, and had gone home, and upon that they turned around and returned to South Carolina.

Question. Is Mr. Jones a democrat?

Answer. He is.

Question. What is his first name?

Answer. His name is William Jones.

Question. What is his post office address?

Answer. Rutherfordton is the nearest post office.

By Mr. BLAIR:

Question. I understood you to say that he lived at Poor's Ford?

Answer. Yes, sir; but there is no post office there; it is merely a ford on the river. I know he receives his mail at Rutherfordton, for I have seen it handed to him. He has been the deputy sheriff in our county when the democrats carried it. He is an intelligent man, a man of good sense; a clever man, I think, but he is a very lively, working politician. They have not been so bad on his side of the county as lower down the river.

Question. In your opinion there is not much difference between a democrat and a Ku-Klux?

Answer. No, sir; not much in a majority of cases. I do not think the democrats up here who have been loyal to the Union know what their democratic brethren in the South are. They seem to have great faith in you all, but I do not think you would have much faith in them, if you knew them.

WASHINGTON, D. C., *July* 12, 1871.

J. B. EAVES sworn and examined.

The CHAIRMAN, (Mr. POLAND.) As this witness is from North Carolina, and as Mr. Pool is much more familiar with the subject about which he was probably called to testify, I shall invite Mr. Pool to take and conduct his examination.

By Mr. POOL:

Question. Where do you reside?

Answer. In Rutherfordton, Rutherford County, North Carolina.

Question. How long have you lived there?

Answer. I have lived in the county all my life.

Question. Have you ever held any public position there?

Answer. Yes, sir; I have held several.

Question. What?

Answer. Just after the surrender I was the clerk of the court of that county for three years, until 1868; I was then elected to the legislature.

Question. To which branch of the legislature?

Answer. To the senate branch; I served two sessions as senator, and I now hold a commission as assistant assessor of internal revenue of the United States.

Question. Have you been well acquainted for the last two or three years with the condition of that county?

Answer. Yes, sir; I think so.

Question. Just go on and state whether the laws are executed there, and whether life, liberty, and property, are secure; if not, why they are not. Give us a full statement.

Answer. In my opinion, for the last twelve months the masses, or a great many, of the people have been intimidated by outrages, so much so that I think witnesses have been afraid to reveal or make oath to what they know; in many instances witnesses have been afraid, I think, to apply for warrants. For the last four months there has been considerable terror there.

Question. What has been the character of the outrages committed?

Answer. They have been done by disguised men, in the night-time, whipping persons, and in some cases persons have been hung; not hung to death, but hung up for a time; I do not think any one in our county has been put to death. I have seen several who have received abuse.

Question. How long since these outrages commneced n your county?

Answer. I think the first one occurred last February was a year ago; that created a great deal of excitement; there was one man killed. After that it seemed to be quiet for six months or so, until along the following fall.

Question. Suppose you state what the first case was.

Answer. I think the first case in the county was this: On the night of the 22d of February, if I remember right, several families were visited by a band of disguised men, and one man's family was abused in his absence; it seems that he was at a neighbor's house.

By Mr. BECK:

Question. Give the names as you go along.

Answer. This was McGahey. He returned home a short time after they had left, and found that they had abused his family.

By Mr. POOL:

Question. Were the men in disguise who went there?

Answer. Yes, sir; that is what the witnesses state on oath. He returned home, I suppose, at about 11 o'clock at night. I am giving the testimony in the case, I do not know it myself.

Question. Give us what you understand to be the truth.

Answer. He then proceeded to several of his neighbors' houses, and got six or eight men to go with him. At this time there was a very slight snow on the ground, but sufficient to show tracks. These men got on the trail of a party, and followed them to the house of a man by the name of Biggerstaff. As soon as this man McGahey found that the tracks led to the house, he left the crowd, ran up to the house, pushed open the door, and fired into the house.

By Mr. BECK:

Question. Which Biggerstaff was that? There are two of them.

Answer. That was Sam Biggerstaff. The crowd then disbanded, and would not go any farther; McGahey seemed to be desperate, and they would go no farther with him. After he had returned home, his wife told him that she knew one of the men; that she was perfectly satisfied of it. The following day, or perhaps the second day——

By Mr. POOL:

Question. Who did she say that man was?

Answer. She said it was Decatur De Priest. McGahey then picked up his gun and deliberately walked over to the house, called Decatur De Priest out into the yard, and shot him down. He then left the country. That was the first outrage of the kind in our county.

Question. Was this De Priest a member of the Ku-Klux organization?

Answer. Well, I know nothing, only from what has been revealed in some confessions recently.

Question. What is that?

Answer. I did not see the affidavit myself, but I was told that the confessions show that the man De Priest, who was killed, was the first chief of a Klan that there ever was in our county; that is all I know about it.

Question. Do you mean recent affidavits taken before a judge?

Answer. Yes, sir.

Question. Affidavits of members of the Klan?

Answer. Yes, sir.

Question. Then what occurred?

Answer. There was considerable excitement in the community, but there were no depredations committed for several months after that, as I remember; I do not remember what time, exactly. There were outrages of that kind going on in the adjoining county of Cleveland, which county adjoins ours on the east; and then on the south is the South Carolina line, Spartanburgh County.

Question. Outrages by men in disguise?

Answer. Yes, sir.

Question. State the next outrage which occurred in Rutherford.

Answer. I do not believe that I can tell the next one. When they commenced after that they commenced among the negroes; and I do not know that I can name the first one. I know some of the outrages that occurred; there is the Biggerstaff case; but there were a great many before that; I do not remember the names; they were among the colored people, though there were some whites.

Question. Did you hear of them frequently?

Answer. Yes, sir.

Question. Did you hear of men riding around through the county in disguise?

Answer. Yes, sir; we would frequently hear of their riding around without hearing of any depredations; whether they whipped every time they went out or not, we do not know; but very frequently when they rode we would hear of no depredations whatever.

Question. Did you hear of their riding in the county of Cleveland?

Answer. Yes, sir.

Question. In the county of Gaston?

Answer. I do not know so much about Gaston; I have heard of some there.

Question. Have you heard of any in Lincoln County?

Answer. Only what I have seen in the papers.

Question. Have you heard of any in Spartanburgh County, South Carolina?

Answer. Yes, sir.

Question. That county adjoins your county; does it?

Answer. Yes, sir; I live within thirteen or fourteen miles of the South Carolina line.

Question. How many negroes and other men were outraged by them up to the time Mr. Biggerstaff was attacked?

Answer. Do you mean in Rutherford County?

Question. Yes, sir.

Answer. Up to that time I think there must have been perhaps thirty or forty; there have been a great many more in Cleveland than in Rutherford, I think, from what I have heard.

Question. Up to the time of the attack on Mr. Biggerstaff you think that there were thirty or forty cases brought to your attention in Rutherford County?

Answer. I think so.

Question. Was there any uniformity in the manner in which they inflicted outrages upon their victims?

Answer. In what way?

Question. Were they always in disguise?

Answer. I think, in every case, a portion of them were in disguise, but not all of the parties in every case. I do not know that I have ever heard of a case where there would not be some of the Klan who would be disguised, and perhaps some not disguised.

Question. Were those who were not disguised said to be strangers in the county?

Answer. Yes, sir, I think that was generally the case.

Question. Do you know whether they have been in the habit of coming over from Spartanburgh, South Carolina, to assist in these raids?

Answer. I know nothing but what I got from report; I am satisfied that has been the case.

Question. What was the character of the whippings that they gave, and in what manner did they inflict the whippings?

Answer. Some would be done with hickories, some with sticks, and some were abused by striking them with their pistols.

Question. Were men taken from their beds and their families?

Answer. Yes, sir.
Question. Were they in the habit of stripping them?
Answer. I have heard of their stripping them.
Question. Whipping them on their naked skin?
Answer. Yes, sir.
Question. What class of people were these outrages perpetrated upon in the main?
Answer. In the main they were perpetrated upon what might be called persons of not much character; that was the case at first. But here of late I might say they have been inflicted upon all classes; but at first they were confined to people of low character.
Question. What was the political standing of those who were outraged?
Answer. Well, sir, I do not know that I have ever heard of any outrage upon but one man that was not a republican.
Question. Who was he?
Answer. He is a man by the name of Rourke; he lives in Cleveland; I have understood, and it was generally believed, that he was taken out and whipped.
Question. This was previous to the attack upon Biggerstaff?
Answer. Yes, sir. With that exception, I do not know of any case in which the person outraged was not a republican. I may be mistaken in the name; anyhow, it was a man in Cleveland County.
Question. Mention the case and state the circumstances of it.
Answer. I understood he was taken out and whipped.
Question. For what?
Answer. It was claimed at the time that he was going after bad women; I think that was the statement.
Question. Was that the case where the persons whipping him pretended to be preachers?
Answer. Yes, sir, the same case; it was said that seven preachers whipped him; I believe it was seven.
Question. You say that in every other case these outrages have been perpetrated upon republicans?
Answer. I think so. I can think of no other case of a democrat.
Question. Do you know whether they said that at the time?
Answer. I have heard a great many of them speak upon the subject. In a great many instances, I do not know but in all, they have told them that they must quit voting the radical ticket, and change their politics, &c.; that is what they stated.
Question. What effect has that produced upon the people of the county; a feeling of terror, intimidation, or anything of that sort?
Answer. Yes, sir.
Question. To what extent?
Answer. Well, sir, I think to a considerable extent. There are a great many men there who have told me, in fact I know it to be so, men of good standing and of good character, that they have laid out from their families of a night. It affected society in that way on the South Carolina and Cleveland sides of Rutherford County. That is not the case throughout the county; on the north and west sides of the county that is not the case so much.
Question. Who are the men who have terror of these Ku-Klux and lie out; are they republicans?
Answer. Yes, sir, entirely so.
Question. Do you have two newspapers published at the county-seat of your county?
Answer. Yes, sir; there are two papers published there.
Question. One democratic and the other republican?
Answer. Yes, sir.
Question. What has been the course of those papers in regard to these outrages?
Answer. The republican paper there has condemned them, and called upon the citizens there to use every effort they could to stop them. The democratic paper has pursued the course of all the democratic papers in our State. I do not know that I can describe it exactly. It has pursued this course: It has claimed to condemn them, but, at the same time, it has abused officers and those in authority for making arrests; has claimed that innocent men were being arrested.
Question. Have any apologies been offered by that paper for these outrages?
Answer. I do not know that I can make a statement in regard to that. I might consider one thing an apology and you might not. I cannot state as to that. I know what we regarded it there, but you might think differently.
Question. Was there any denial of those outrages?
Answer. Yes, sir. Well, if any men should be accused of committing these outrages, the paper would deny that they had had anything to do with it; claim that they were innocent men.
Question. Did it deny that the outrages had been perpetrated?
Answer. Well, at first it did. It has not done it for some little time now.

Question. Did it do so previous to the attack on Biggerstaff?
Answer. I think it denied the most of the outrages.
Question. The most of them up to that time?
Answer. Yes, sir; that is my impression now.
Question. Up to that time had any one been arrested and convicted for these outrages?
Answer. Some were arrested in this McGahey case, but I think the Biggerstaff case was the first where parties were arrested under the act of Congress. At first they were arrested under the State authority. Since that time they have been arrested by the United States marshal, under the act of Congress.
Question. You say you heard of a still greater number of these outrages being perpetrated in the county of Cleveland, the adjoining county?
Answer. Yes, sir, I heard of a great many; I do not know the names. We would hear it every week or two, sometimes twice a week.
Question. What is the relative proportion of white and colored people in the county of Rutherford?
Answer. In Rutherford County the vote, I think, is 2,300, and the colored vote, if I remember right, is between 400 and 500. I speak now from the registration.
Question. The colored vote is 400 or 500 out of the 2,300?
Answer. Yes, sir.
Question. Which party in the county has the majority?
Answer. The republican.
Question. How much?
Answer. In 1868 the majorities ranged from 750 to 890; the average majority was about 800.
Question. Are the majority of the white men republicans?
Answer. Yes, sir.
Question. How was it in the election last summer?
Answer. Well, it was cut down; the majorities in the election last summer ranged from 250 to 550.
Question. Do you think the majority of the white men in the county of Rutherford are republicans?
Answer. Yes, sir, I think so, if there was no intimidation in any way, and every man could vote without any trouble.
Question. Are your officers white men?
Answer. Yes, sir, white men, and as respectable men as any in the county.
Question. Has any charge of corruption or dishonesty been brought against them?
Answer. No, sir; I do not think any of the opposite party accuse our county officers of anything of the kind; if they do, I have not heard of it.
Question. Are the school commissioners white men?
Answer. Do you mean the school committee?
Question Yes, sir.
Answer. I think there are probably two or three colored men. I will not be positive about that; perhaps there is but one, that is, in the township village. I think probably there is one colored man, but I am not posted as to who the committee are.
Question. Have there been any Loyal Leagues in the county since 1868?
Answer. Not that I know of.
Question. Were you ever yourself a member of the Loyal League?
Answer. I was.
Question. If there had been any Loyal Leagues in your county since 1868, you would have heard of them?
Answer. I think I would.
Question. Do you know whether the Loyal League in the State has been disbanded since 1868?
Answer. I know nothing of it at all since 1868.
Question. Nothing of it in the State?
Answer. No, sir; in our county there has been nothing of the kind since the presidential election.
Question. Has there been any barn-burning in your county?
Answer. There have been two burned in our county, I think.
Question. When did that occur?
Answer. One occurred, I think, just after this McGahey raid, perhaps that same week; anyhow, it was a very short time afterward. It was reported when I left home—I do not know whether it is so or not—that one was burned near the Cleveland line belonging to Mr. Witherow.
Question. When?
Answer. I heard it the day I left home.
Question. That was recently?
Answer. Yes, sir; I do not know whether it is so or not.
Question. How have the colored people behaved since 1868; have they been peaceable and respectful to the white people?

Answer. As far as I know, it has been like any other county; they have some bad men among them, but as a general thing I think they have behaved well upon the average; I think they have behaved about as well as white men.

Question. Have they paraded the county with arms in their hands?

Answer. Not that I know of.

Question. Do you know whether these disguised bands have disarmed the negroes in your county?

Answer. I suppose they have; that is what the persons allege who have been whipped.

Question. They have taken their arms away from them?

Answer. Yes, sir.

Question. What character of arms did the negroes have?

Answer. Some old rifles, some muskets, and some pistols. I do not think I ever saw a half a dozen negroes have arms in their hands; I only give what I have understood about that.

Question. Do you think the effect of these outrages upon colored men and others—— You said some white men had been whipped in the same way?

Answer. Yes, sir.

Question. Has this had such an effect on them as to make them afraid to participate in the elections?

Answer. I think so. Well, now, I spoke of not seeing negroes with arms in their hands; I mean with the exception of one occasion. When these first men were arrested there in the Biggerstaff case, the sheriff did place arms in the hands of some twelve or fifteen colored men, I think, and had them as a guard.

Question. As a part of his posse?

Answer. Yes, sir.

Question. He had white men upon the posse, too?

Answer. Yes, sir; a majority of them were white men; three-fourths of them were white men. The colored guard was used as a reserve.

Question. I was confining you to the time previous to the attack upon Biggerstaff. We will talk about that when we come to it. Suppose an election in the county had occurred a month ago, would the republicans have turned out to vote, and would they have felt safe in doing so?

Answer. A great many of them would; I have no idea that all would have turned out.

Question. What proportion?

Answer. I do not suppose that, a month ago, half of them would have turned out; not more than half.

Question. Would they have been afraid?

Answer. I think they would have been afraid.

Question. When you speak of there having been no prosecutions to any extent, do you think the witnesses and those who were outraged were intimidated, so that they would not testify?

Answer. I think some of them were; it was not that way in all the cases; some of the men had the courage to do it.

Question. To let it be known?

Answer. Yes, sir.

Question. Do you know whether they were enjoined by these parties not to make it known?

Answer. Do you mean the persons who were whipped?

Question. Yes. Do you know whether they were told by the Ku-Klux that they must not tell it?

Answer. I think that was generally the case.

Question. Did they threaten them if they did tell it?

Answer. Yes, sir; that is what they would state.

Question. Threaten them with what?

Answer. That they would visit them again; threaten to whip them, and, I think, in some cases, threaten to kill them.

Question. You say that an outrage was perpetrated upon Mr. Biggerstaff?

Answer. Yes, sir.

Question. When did that occur?

Answer. That occurred the last of March, or the first of April, I think; I really do not remember.

Question. What had been the condition of the county from, say, the first of December up to the time of the outrage upon Mr. Biggerstaff, in March; had these things been going on that you have spoken of?

Answer. Yes, sir; I think they were gradually getting worse in December. I reckon I might be safe in saying that, previous to December, from the time of the outrage upon McGahey up to November or December, with the exception of right along on the South Carolina line, in our county things were comparatively quiet; there were no intimidations. They were raiding over in Cleveland and in Spartanburg, and there was some little excitement in that way, but I do not think there were many outrages up to that time.

Question. Up to November and December, 1870?

Answer. That is my impression.

Question. From that time, you say that things continued to grow gradually worse, up to the time that Biggerstaff was attacked?

Answer. Yes, sir, I think so.

Question. Was there any local cause for it?

Answer. Not that I know of; there has been some feeling there in this Biggerstaff case. I knew no feeling previous to the McGahey scrape; after that there seemed to be a feeling between Biggerstaff and the parties who were accused of being in this raid on McGahey.

Question. The men who went out with McGahey?

Answer. Yes, sir.

Question. A feeling against them?

Answer. Yes, sir; and against Mr. Biggerstaff too.

Question. Did they accuse Mr. Biggerstaff with having any connection with the killing of their chief, DePriest?

Answer. I suppose they did.

Question. Now, state what you know of the attack upon Biggerstaff.

Answer. Well, I saw Mr. Biggerstaff; he was in the village the evening before he was abused; he left and arrived home about 10 o'clock, I suppose, and went to bed; I forget the exact time of night, but I suppose about midnight, perhaps before midnight——

By Mr. BECK:

Question. Which Biggerstaff was that?

Answer. Aaron Biggerstaff; I suppose that about midnight these men came there and broke into the house; if I remember aright, he was sleeping upstairs; but I will not be positive about that; they took him out into the road and gave him a very severe beating; I saw him the next day.

By Mr. POOL:

Question. What was his condition the next day?

Answer. He was helpless the next day; his back, from his shoulders down, was almost raw; you could hardly lay your hand upon a spot that had not been hit; and he complained very much of his side.

Question. Were any other members of the family injured?

Answer. Yes, sir; his daughter, Mrs. Norvill, a white lady, living there with him; I did not see her bruises, but I understood from some of the ladies there that she received several very severe blows on her shoulders and back.

Question. What is the character of Mr. Biggerstaff?

Answer. Well, sir, up to this difficulty I think that the citizens of the county would have been bound to give him a good character; since that time he has been assailed so much that in fact I hardly know what to state; I regard him myself as a man of good character; he is a very bold man, and talks more than he ought to; he is this kind of a man; he will very often make threats; he is a threatening, boasting kind of a man; but I never knew him to have any difficulty with a man in my life previous to this, and I have known him ever since I was a boy.

Question. You mean previous to his going with his neighbor, McGahey?

Answer. Yes, sir; previous to that occurrence.

Question. And McGahey left the crowd and went up to the house and fired into it?

Answer. Yes, sir; and that brings to my mind a difficulty just after the surrender, which it would perhaps be well enough for me to mention here; just at the surrender, General Palmer passed through there with his command, taking all the horses, that is, all the good stock in the country.

Question. General Palmer of the United States Army?

Answer. Yes, sir; he did not take Aaron Biggerstaff's stock; I believe he seized his horses, but afterward released them; I think Aaron Biggerstaff showed him some papers he had, and then General Palmer released his stock; but the stock of his neighbors, DePriest and others, was taken; and from that time on there was this feeling against Biggerstaff.

Question. Was Biggerstaff considered a Union man?

Answer. Yes, sir; he was so considered; he had some papers from some Federal officers he had harbored during the war, and on those papers, I think, General Palmer gave him protection.

Question. Do you know whether he was active during the war in rendering aid to escaped Federal prisoners?

Answer. I suppose so, from papers which he showed me; I suppose he showed those papers to General Palmer, too, for he has a paper from General Palmer.

Question. Do you mean papers from Federal officers, from escaped prisoners?

Answer. Yes, sir.

Question. Do you think that caused a feeling against him?

Answer. I cannot say that was the cause of the feeling; but I think the feeling was got up because he was able to hold his stock, while his neighbors were not.

Question. Was the stock of other people all over the neighborhood taken by General Palmer?

Answer. Yes, sir; I believe it was generally taken; he was the only man who escaped that he visited.

Question. Do you recollect who were the Federal officers to whom he rendered aid?

Answer. I do not think I could give the names; one was from New York, one from West Virginia, and I forget where the third was from.

Question. Were there more than one?

Answer. There were three of them.

Question. Three Federal officers that he aided?

Answer. Yes, sir; I suppose he has the addresses, and that those officers could be reached if desired.

Question. Did you understand that it was upon those papers that his stock was released?

Answer. That is what I understood; in fact, he so stated to me; that is all I know about it.

Question. What is his age?

Answer. He looks to be about sixty-five years old.

Question. Is he a man of substance?

Answer. Well, sir, we would call him a good liver for our country. He has a right good little farm; you might call him independent; he is a laboring man.

Question. Are his family respectable people?

Answer. Yes, sir, so far as I know.

Question. Did he say how many men visited his house that night?

Answer. Well, they say there were from forty to fifty; I am just telling you what his family states.

Question. Were they in disguise?

Answer. The majority of them were.

Question. What did they say to him when they whipped him?

Answer. I think they first began to abuse his daughter, if I mistake not, for appearing as a witness against some of them.

Question. In what case?

Answer. I do not know what case, but I think it had reference to this McGahey scrape in some way. There were several law suits that grew out of that for forcible trespass, &c., there in the neighborhood; I think it was in regard to them, but I am not positive in what case it was. They took him out, and, I think, accused him of assisting McGahey to get away.

Question. To escape from the State?

Answer. Yes, sir; and they abused him for being a radical, and for various things.

Question. Well, what occurred; what action did the authorities take?

Answer. The next morning Judge Logan issued a bench warrant, and there were quite a number of persons arrested; I do not remember how many. They were taken to the village and kept there some two days, I think. After he had had those men arrested Judge Logan then left and went to his court.

Question. His court, where?

Answer. At Shelby; he left on Thursday, I think. These men were being arrested on Monday, Tuesday, and Wednesday, and after they were arrested he put them under bond for their good behavior and for their appearance, I think, though I will not be positive as to what sort of a bond it was; but that was my understanding. He then went up to Shelby and held his court there; the men being released in that way.

Question. Go on now, and state any subsequent occurrences, and everything you know in regard to transactions in the county.

Answer. After that there was a warrant issued by the United States commissioner at Raleigh, Mr. Shaffer, I believe his name is, and a marshal, Captain Hester, was sent there, and, I think, he arrested again a portion of these men; I do not remember how many, and took them to Shelby.

Question. Had he any United States troops with him?

Answer. Yes, sir he had a squad of troops with him; and the men who were arrested were turned over to the United States commissioner at Shelby.

By Mr. BECK:

Question. Who arrested them?

Answer. The United States marshal, Hester, and he turned them over to the commissioner at Shelby. At the same time he subpœnaed Biggerstaff and his family, to meet him at the head of the railroad, at Cherryville, which is eleven miles east of Shelby.

Question. When were the arrests made; at what time?

Answer. I believe it was in May, but I am not certain about that; I do not remember the date. That night Biggerstaff and his family, who were with him, were again at-

tacked by men, some with disguises and some with none, and he was abused—his arm badly hurt.

By Mr. POOL:

Question. Was the bone broken?

Answer. He thinks it was broken, but I do not know whether it was broken or not I felt of it, and there seemed to be a ridge on it.

Question. State about the outrage that night.

Answer. Well, they had camped upon the side of the road, in a little house, all but the old man, who was sleeping in his wagon.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where had they started to go?

Answer. To Cherryville, to meet Captain Hester, the United States marshal.

Question. Had they been summoned as witnesses?

Answer. Yes, sir. They had stopped at that little house at about 10 or 11 o'clock at night, having traveled that late. At about 2 o'clock in the night they were attacked, and old man Biggerstaff was taken out of the wagon—the balance of the party were in the house on the side of the road—and the old man was taken away from the rest of them and carried off into the woods, where he was kept for some time. I am making, as my statement now, about the substance of what the witnesses gave in the case; I heard their evidence. One of the party by the name of Holland was knocked down with a gun. Another, young man Biggerstaff, a nephew of Aaron Biggerstaff, had hid under the floor of the house. Old Mrs. Biggerstaff was in the house. As soon as they stopped there that night Mrs. Norvill went out into the edge of the woods; she was scared; she said she was afraid of a raid; she left the camp and went out to the edge of the woods, and they did not get hold of her at all. After they brought old man Biggerstaff back from the woods, they got the whole party together and remarked that they "would have the last of it now."

By Mr. POOL:

Question. Did they threaten to kill them?

Answer. That is what they said; the remark was, "We will have the last of it now," or, "You will see the last of it now." Four men presented their arms at them; I do not remember whether they were all guns or not. About that time they state that there was some noise about the wagon, which they suppose attracted the attention of the men, and young Biggerstaff then made his escape, although they fired at him as he was getting away. After he got away, they said it would not do to go any further; that they were identified; that is not exactly the language they used, but that is substantially the meaning of it. They then told them that if they would promise not to appear as witnesses against them, and to say nothing about that night, they would let them off, and they would not be interfered with again.

Question. Were any of these men without disguises?

Answer. Yes, sir; the most of them were without disguises.

Question. And they feared after young Biggerstaff escaped he would be a witness against them?

Answer. Yes, sir.

Question. And, therefore, they would not go any further with it?

Answer. That is the impression I drew from their statements. As I understand, they did not abuse them any more after young Biggerstaff made his escape.

Question. Do you know whether, of the persons the United States marshal had arrested and taken on ahead with the soldiers, any one or more of them had made his escape, or been released, or anything of that sort?

Answer. I understand that one Thoms was released before they got to Shelby.

Question. He was one of the prisoners under arrest?

Answer. Yes, sir; and these witnesses met him in they evening on his way returning home; and Mrs. Biggerstaff swears positively that he was in the raid that night.

Question. In the raid that night at the camp?

Answer. Yes, sir.

Question. With those men?

Answer. Yes, sir. Mr. Biggerstaff and his family then returned to Rutherfordton, and remained there until the Monday following, which was a few days. Then there was a subpœna sent by Commissioner Moore, at Shelby, for Aaron Biggerstaff and his daughter, Mrs. Norvill, to appear at Shelby. They refused to go; in fact, old man Biggerstaff stated that he was not able to travel, and besides he was afraid to go unless he had protection.

Question. Shelby is in Cleveland County?

Answer. Yes, sir. Well, the next day a deputy marshal, or a man deputed with a capias, came there to arrest them and take them to Shelby. His daughter was arrested, but she got away and made her escape; they did not keep her. Mr. Biggerstaff claimed that he was not able to go, and he said he was not going if he could help it.

Question. What reason did he and his daughter give for not wanting to go down to Cleveland as witnesses?

Answer. He said that he had started once with Captain Hester and he did not get the protection he ought to have had, and that he was afraid to go again; was afraid he would be murdered; for they had told him that night if he swore against them they would kill him, but if he would not be a witness against them they would let him alone; and he said he was afraid if he went down there again they would murder him. The deputy marshal then called in two physicians who examined him and pronounced him unable to travel and gave him a certificate to that effect. That, I believe, is about the substance of what I know in regard to that affair.

Question. Were other outrages committed after that in the county?

Answer. Yes, sir; several.

Question. Did that affair of Biggerstaff and the consequent arrests stop the proceedings of the Ku-Klux in the county?

Answer. Do you mean the arrests upon the bench warrant issued by Judge Logan?

Question. Yes, sir.

Answer. I think they got worse from that.

Question. The Biggerstaff affair made them worse?

Answer. I think so.

Question. There were other outrages committed in different parts of the county?

Answer. Yes, sir.

Question. What was the character of the outrages after that?

Answer. Some white men and some colored men were whipped; and some women, both black and white, were whipped.

Question. All by men in disguise?

Answer. Well, they said in every case, except the raid on Biggerstaff while on the road, that a large majority of them were disguised. In regard to almost every raid that I have heard the evidence of, the witnesses have said that one, two, three, or four men were not disguised, and in some cases a great many more; but they were strangers.

Question. Those who were not disguised were strangers in the county?

Answer. They seemed to be strangers to the parties who were whipped.

Question. Do you know whether there is more than one camp of Ku-Klux in your county?

Answer. I can only give a statement from the confessions that have been made there during the last ten days.

Question. What do they say?

Answer. When I left home I think from forty to fifty persons had come in to Judge Logan and made statements.

Question. Statements on oath before the judge?

Answer. Yes, sir.

Question. Were they members of the order?

Answer. Yes, sir.

Question. They confessed they were members of the order?

Answer. Yes, sir.

Question. What did they say about it?

Answer. I think they gave in some seven or eight different dens in the county.

Question. Separate camps in that county?

Answer. Yes, sir; I think there are seven or eight of them; I can count them, I think.

Question. Give the names of the men who were chiefs, and the localities, if you can.

Answer. Their affidavits mention Captain R. A. Shotwell as the chief of the county.

Question. Who is he?

Answer. He was the editor of a paper there a while.

Question. The Rutherford Vindicator?

Answer. Yes, sir; he started that paper.

Question. That is the democratic paper of the county?

Answer. Yes, sir; he also started the Citizen in Asheville, and edited that for a while.

Question. Is that a democratic paper?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. Is Asheville in your county?

Answer. No, sir; it is in Buncombe County.

By Mr. POOL:

Question. Does Buncombe County join your county?

Answer. I believe they join, but for a very short space, if they do; I think they corner on each other.

Question. What sort of a man is Mr. Shotwell; is he a man of intelligence?

Answer. Yes, sir.

Question. A man of education?

Answer. Yes, sir; considered so.

Question. And these men who have come in recently and made their affidavits, say that he was the chief of the county?

Answer. That is their understanding; they got it through their chiefs.

Question. Give the names of some of the chiefs of camps in your county.

Answer. J. R. De Priest is one; he has made a confession of it.

Question. De Priest himself?

Answer. Yes, sir.

Question. He has confessed that he was a chief of a camp?

Answer. Yes, sir; McBrayer was a chief. I think he was a stranger in the county; he has run away and left the county.

Question. Was he a stranger from Cleveland?

Answer. He had been merchandising in the county for several months; he had a stand.

Question. Did he go there from Cleveland?

Answer. Yes, sir. William Webster was another.

Question. You say this man McBrayer has run away?

Answer. Webster has gone, and McBrayer too.

Question. Both have left the county?

Answer. Yes, sir.

Question. When did they leave?

Answer. As soon as they found out confessions were being made, I suppose. Elias Hamrick was another chief.

Question. Where is he; in the county still?

Answer. I think so. There were several others; I do not know whether I can give all their names or not. Ladson A. Mills, jr., was another.

Question. Who is he?

Answer. He is a son of Dr. Ladson A. Mills, a very prominent citizen there, one of the most prominent men in the county; I think he is the wealthiest man in the county.

Question. State in regard to these chiefs of camps, against whom confessions have been made. You say that one of them confessed it?

Answer. Yes, sir.

Question. Were they active politicians in the county?

Answer. Who; those chiefs?

Question. Yes, sir.

Answer. Well, I suppose you might consider them neighborhood leaders, some of them.

Question. Of the democratic party?

Answer. Yes, sir; or conservative party, as they call themselves. There are some of these chiefs who are very ordinary men.

Question. How many men did these confessions say belonged to the order in the county?

Answer. I asked Judge Logan the morning I left there, and he told me he thought he had about three hundred names; not far from three hundred is what he told me.

Question. Of members of the order?

Answer. Yes, sir.

Question. Where is Mr. Shotwell, the former editor of the democratic paper?

Answer. I suppose he is in jail now; the marshal started for him the evening I left home, and I received a letter from home yesterday that he had been put in jail. He had been lying out for several days.

Question. What do you mean by "lying out;" concealed in the woods?

Answer. I mean concealing himself; it is a common expression in our country now, that a man is lying out.

Question. Do these confessions reach outside of your county?

Answer. Yes, sir.

Question. Implicate men outside of the county?

Answer. Yes, sir.

Question. Where, and in what county, and what men?

Answer. Mostly in Cleveland County, North Carolina, and Spartanburgh County, South Carolina. I believe there are one or two confessions that perhaps reach Charlotte.

Question. Charlotte, North Carolina?

Answer. Yes, sir; I think that several of them have stated that one lived in Charlotte who they understood to be the chief of the State.

Question. Who did they say was the chief of the State?

Answer. I did not see the affidavit, but I think Judge Logan told me that some of them stated that Ham. Jones was chief of the State.

Question. Ham. C. Jones?

Answer. Yes, sir.

Question. He is a member of the North Carolina senate?

Answer. Yes, sir; I think so; he was last year, and I think he is in the present legislature.

Question. Is he a leading democrat?

Answer. I suppose he is.

Question. Any other men implicated?

Answer. Durham and McAfee, of Cleveland.

Question. Who are they?

Answer. They are considered democratic leaders in that county. Durham was a candidate for Congress two years ago, against Colonel A. H. Jones.

Question. Has McAfee held any public position?

Answer. He was elected on the democratic ticket two years ago, and I think he is a member of the legislature now.

Question. Do you say these men were implicated by these confessions?

Answer. Yes, sir; said to be chiefs in that county.

Question. Said to be chiefs in that county?

Answer. Yes, sir.

Question. Have there been more outrages over in Cleveland, where these men live, than there have been in Rutherford?

Answer. Yes, sir; I think so. The fact is, that in regard to Cleveland County, it is somewhat in this way: we have not had very much information from that county for several months; I think the citizens there are so completely under the control of these men who ride in the night that you can get hardly any expression at all from them; that is the condition of Cleveland County, I think.

Question. There is a general state of terror there?

Answer. Yes, sir; that is the way I look upon that county.

Question. Have any murders been committed in that county by disguised men?

Answer. I have heard it so rumored; I do not know.

Question. The outrages have generally been scourgings at night?

Answer. Yes, sir.

Question. Now tell us what gave rise to this descent of the authorities upon these men; why have these men come in and confessed; what has made them come in and confess? I suppose that would involve the attack upon Mr. Justice and the town of Rutherfordton?

Answer. Yes, sir; that led to it.

Question. State about that; what was that?

Answer. You want what has given rise to these confessions?

Question. Yes, sir.

Answer. Well, Mr. Justice, with others, was before the grand jury in Raleigh, of the Federal court, and true bills were found there against a great many men, some forty or fifty, I think; I do not know how many.

Question. Bills of indictment were found at the recent circuit court at Raleigh against some forty or fifty persons?

Answer. They were found against persons for the first raid on Biggerstaff, and the marshals went to Rutherford and arrested those parties. Then the witnesses in the Justice and the Star raid also went before the grand jury. Then they became so alarmed at being known and identified, and at having true bills found against them—in fact, I think that, a day or two before I accompanied Mr. Justice to Raleigh, some of these young men had left home; before he went to Raleigh at all.

Question. What do you mean by "left home?"

Answer. I think they did so to avoid arrest.

Question. Some of the parties implicated in this Ku-Klux business?

Answer. Yes, sir. Two young Millses left; and Webster, whom I spoke of as being a chief, also left; I think previous to the witnesses going before the grand jury at Raleigh.

Question. When you speak of "going before the grand jury at Raleigh," you mean the grand jury of the circuit court of the United States in Raleigh at its recent term?

Answer. Yes, sir.

Question. Were bills of indictment found?

Answer. Yes, sir; I understood there were.

Question. And capiases issued?

Answer. Not when I left home.

Question. The marshal had gone to make arrest of the parties implicated in the Biggerstaff affair?

Answer. Yes, sir.

Question. Whom did the marshal take with him to assist him?

Answer. Federal troops.

Question. Were they cavalry or infantry?

Answer. They were infantry; he mounted them there in Rutherford.

Question. There is Federal mounted infantry assisting the marshal?

Answer. Yes, sir.

Question. Now, at this time?
Answer. Yes, sir.
Question. What effect did that movement have upon these Ku-Klux?
Answer. I think that had a great deal to do with these confessions.
Question. Did a panic seem to seize them?
Answer. Yes, sir; in that locality.
Question. Did they come in and make confessions?
Answer. Yes, sir.
Question. Was any inducement held out to them in the shape of pardon, if they would come in and tell what they knew?
Answer. I do not know that there was, by anybody acting officially in any way. I had a talk myself with two of the first who confessed; I reckon they said more to me and I to them than anybody else. They asked me what would be the result if the men belonging to the Klan would come out and tell what they knew.
Question. What did you tell them?
Answer. I said I thought it was the best thing they could do; that the Government was going to ferret the thing out, and if they were in it they would probably be caught.
Question. They were among the first who confessed?
Answer. Yes, sir; there were two of them; they inquired for Judge Logan's office, and walked up there and made affidavits and statements.
Question. Did others follow their example after that?
Answer. Yes, sir.
Question. How many have come in and confessed?
Answer. I do not know exactly how many; between forty and fifty had come in at the time I left there, and they were coming in when I left.
Question. They continued to come in?
Answer. Yes, sir.
Question. How came De Priest, one of the chiefs, to come in?
Answer. His Klan had informed on him, and he knew it.
Question. How many men came in with him when he came in?
Answer. There were twenty-five or thirty in his den.
Question. Did they all come in together?
Answer. No, sir; at different times.
Question. One at a time?
Answer. No, sir; two or three at a time.
Question. Is that still going on?
Answer. It was when I left home.
Question. State what you know about the raid upon Rutherfordton and the Star office?
Answer. I was in the village—not right in the village, but I live in the suburbs of the town near the outline of the corporation, some little distance, perhaps between a quarter and a half a mile from Mr. Justice's residence, and a quarter of a mile I suppose from the court-house, perhaps a trifle farther than that. I was at home the night of the raid, but knew nothing of it till the next morning about day, perhaps a few minutes before day.
Question. Then what did you do?
Answer. About day I was woke up by our servant, who told me what had happened. I got up and went to Justice's house before light; I found he had been abused pretty badly; he was in bed, and there was a physician with him. I did not have much talk with Mr. Justice at that time that morning. In fact, the most of his friends, that is, his political friends I am speaking of, were absent; there were very few in the village there of white men who were his political friends, only him, myself, and a few mechanics. As soon as I went into his room I saw how he was; when his physician left I advised him not to make any expression whatever at all; I told him that he was not able to go out of his room, that he knew several of his friends were gone away, and there was a great deal of excitement; so I advised him not to make any expression at all. He said he would not; that he had made a promise to the men who had taken him out to keep very quiet. He did keep very quiet, and talked but very little for several days; in fact, he made the impression that he would not say anything about it, or tell on anybody.
Question. That he would not inform on them?
Answer. Yes, sir; because he felt very unsafe there for several days, and I did for him. And even the conservatives in town came in and said they thought he was in a dangerous position, and that they did not know how soon he might be raided on again; that is the way they expressed themselves. His brother is a very prominent democrat in that county; he lives there in the village. He was with me in Justice's room on the Monday afterward, and remained there until about 11 o'clock. There was a pistol fired in the suburbs of the town, and he got up and then left. I staid with Mr. Justice; in fact, he got out of his room and concealed himself; he did not know what that pistol meant, and the physician who was there also left.

Question. Were you expecting an attack from the Ku-Klux that night?

Answer. I cannot say that I expected it, but I knew it was uncertain. I looked at it in this way, I was satisfied of this thing: that if Justice had made any remark or any expression that would lead them to believe that he would inform on them, then I was satisfied he would be attacked again. But he tried to guard against that, and for that reason I did not hardly think they would attack him, previous to his doing something which he had promised them he would do on the Saturday night following. He had told me privately of that promise, and I think he had also told his brother.

Question. Were there others present that night besides yourself, Justice, and his brother?

Answer. Dr. Crayton, his physician, was there that night.

Question. Did you have any arms to resist an attack then?

Answer. I did; Justice could not have done anything.

Question. You say that about 11 o'clock that night there was a pistol fired?

Answer. I think that just as the gun or the pistol was fired I asked the time, and Dr. Crayton remarked that it was about 11 o'clock.

Question. Is firing a pistol in that way understood to be a signal of the Ku-Klux?

Answer. We considered it so. We frequently hear it stated that in the country where these raids are made they are very frequently heard to fire pistols in the evening or at night.

Question. Preceding their raids?

Answer. Yes, sir.

Question. Was there a firing of pistols preceding the raid on Justice and the Star office?

Answer. I think there was; I think some of these men who made confessions said that Shotwell fired a pistol below the court-house in our village.

Question. On Sunday night?

Answer. Yes, sir; the night the raid was made; I think they stated that.

Question. You say his brother left?

Answer. Yes, sir.

Question. Do you suppose he left for the purpose of preventing any attack on his brother that night?

Answer. I do not know what his object was in leaving. He remarked to me just as he started to leave, "I don't believe you are in danger." "Well," I told him, "I don't know anything about that." Then he remarked that if I would pursue a different course—I do not remember his language exactly, but that is what he intimated. I then said to him, "Mr. Justice, I want you to understand one thing; you see the condition of your brother there, and I want you and every one else to understand that I am here alone with him." Well, the foreman of the Star office was present; I forgot to mention that. I said to Mr. Justice, "You see the condition your brother is in; and if he is attacked now or hereafter, I expect to hold on to the plank he goes down on; I expect to remain with your brother, let the consequences be what they may." I do not remember what was said after that; that was about the substance of the conversation between us. He and the physician, Dr. Crayton, then bade us "good night" and left. After they had gone down-stairs, Justice and myself left; perhaps we followed them right on down-stairs; I am not certain whether we went to the jail that night or not; I think we did. I was with him from the time he was abused until the troops came to the village.

Question. Did you go to the jail for protection?

Answer. Yes, sir. There was a jailer there, and we considered it about as safe a place as we could get in.

Question. Was there any raid made that night?

Answer. No, sir.

Question. Did you inform the brother of Justice, the democrat, that you were going to fight if they made an attack?

Answer. That is the way he understood it; at least we intended to convey that idea.

Question. State the nature of the attack on the Star office.

Answer. I was in the office the next morning.

Question. The Star is a republican paper published there?

Answer. Yes, sir; it was broken open; the type was all over the floor, all pied; I hardly know what damage was done.

Question. Was the press badly broken?

Answer. I suppose it was; a printing-press is something I do not know anything about; I do not know how badly it was injured or damaged.

Question. Has it been proved upon any individuals that they were present and assisting in the destruction of the Star office?

Answer. These confessions will prove it without doubt, I reckon.

Question. Who was there? Name a single man.

Answer. This man Shotwell was there.

Question. The former editor of the Vindicator?

Answer. Yes, sir; Mr. Horton, the foreman of the Vindicator office, was there also.

Question. In the raid?

Answer. Yes, sir. A man by the name of McIntyre, one by the name of Fortune, one by the name of Alexander, and various others I might mention.

Question. All democrats?

Answer. Yes, sir.

Question. Now I want you to state the condition in which you republicans of the town of Rutherfordton had been for a month previous to this raid upon Justice and the Star office; whether you considered yourselves in danger in that town, and what precautions you had taken.

Answer. Well, sir, I do not remember how long, but I think it must have been longer than a month, some two or three months, perhaps four months, I do not remember exactly—two or three months anyway. I may say that after the first Biggerstaff raid—I do not remember the date—we frequently were up there in the streets all night, a squad of us, for the purpose of defending ourselves.

Question. Armed?

Answer. Yes, sir; we were armed, some six or eight of us; occasionally several from the country would come in. We would remain up until two or three o'clock, until we would think there was no danger of anything like an attack or raid that night.

Question. Did you think that watching in company and armed was necessary to your safety?

Answer. I think it was.

Question. You think it was?

Answer. Yes, sir; and I thought so at the time. Well, previous to the raid on Justice and the Star office, some ten days or two weeks, I do not remember how long, but a short time any way previous to the raid, we had all been in the habit of retiring and going to bed all the night, thinking that affairs were going to be better

Question. Thinking that times were going to be better?

Answer. Yes, sir.

Question. When you used to be up watching with guns, did any men see you who you supposed were members of the Klan?

Answer. Yes, sir; they would frequently pass us in the night, not disguised at all.

Question. What would they say to you?

Answer. They never would speak to us directly at all, or perhaps they might come up and inquire for somebody, Tom, Dick, or Harry, some negro.

Question. If they did not speak to you directly, did they say anything about you?

Answer. I cannot say they did; not in our presence.

Question. Did they offer any taunts to you?

Answer. Well, I would construe them so sometimes; in walking the street their manner I would consider as taunting, and I think those who were with me considered it in the same way; they spoke of it so at the time.

Question. They taunted you with being fearful and timid?

Answer. Yes; I took it in that way.

Question. You said that for ten days previous to the raid on Justice and the Star office you had felt a greater degree of security?

Answer. Yes, sir.

Question. Did you cease these watchings?

Answer. Yes, sir.

Question. For ten days previous?

Answer. I cannot say entirely, but to a considerable extent.

Question. Why had you done so?

Answer. There were several, I do not know how many, perhaps some fifteen or twenty persons who had been arrested on warrants issued by the United States Commissioner there and bound over to court; there were some two or three public meetings held there too, by, as we supposed, those same men, and some resolutions were passed in regard to it.

Question. You mean democratic meetings?

Answer. Yes, sir. And from those resolutions we understood that the leaders were going to make an effort to stop it, and we had confidence enough in them to believe that they could do it; we thought they were in good earnest in regard to it.

Question. Those meetings were held ostensibly for the purpose of putting down this thing?

Answer. Well, they claimed so at the time.

Question. Did they pass resolutions denunciatory of these acts?

Answer. I do not remember seeing the resolutions, but that was the understanding.

Question. They gave you a feeling of security?

Answer. Yes, sir; it had something to do with my feelings, and I think it had with others.

Question. Did any of the leading men on that side who you thought were influential with the organization hold any private talk with you about your watchings, and tell you it was of no use?

Answer. Well, they would laugh at us, some of them, and tell us that there was no use in the world in it. Some few of them, I think, probably thought there might be some danger of Carpenter and Justice being interfered with; I think some of them expressed themselves in that way. But as a general thing they claimed that they did not believe that there was any use in it, that we were foolish and timid.

Question. Well, your apprehensions were to some extent lulled, and you had stopped watching before this attack was made on Justice?

Answer. Yes, sir.

Question. Was anybody on watch that night?

Answer. Not that I know of; I went to bed perfectly quiet and perfectly secure.

Question. You did not hear of anybody being on watch that night?

Answer. Nobody that I heard of.

Question. Who presided over the meeting passing the resolutions you have referred to?

Answer. I think Colonel Logan presided over the last meeting.

Question. Is he a democrat?

Answer. Yes, sir.

Question. Who was the secretary of the meeting?

Answer. I cannot say positively; it was either the editor, Major Irvin, or Captain Shotwell; I am satisfied it was one of them, though I cannot state it positively.

Question. Was Shotwell in the meeting?

Answer. My understanding was that he introduced the resolutions; I was not at the meeting.

Question. Is he the man now in jail?

Answer. Yes, sir.

Question. The man who was in the raid on Justice and the Star office?

Answer. Yes, sir.

Question. Have any others been implicated in this outrage who were prominent in that meeting?

Answer. Dr. Mills's son. There were several men from the country, but I do not remember whether they were there or not. I was not in the meeting. In fact I hardly know who were present, only just what I heard. I understood that Colonel Logan was chairman of the meeting and that Major Irvin, or Captain Shotwell, or perhaps both of them, were the secretaries.

Question. Shotwell introduced the resolutions?

Answer. My impression is that the resolutions themselves will show that he introduced them; I think the resolutions will show that fact, though I do not know that to be the fact. If he did not introduce the resolutions he made a speech in favor of them; I understood that.

Question. How long was that before the raid on Justice in which he took part?

Answer. I think it was between five and fifteen days; I do not remember the exact time, but I know it was a very short while.

Question. Well, you were lulled into fancied security by those resolutions and other things?

Answer. My impression was this; this was the idea I formed myself: these men being arrested and bound over to a Federal court, I thought it would have a tendency to stop it; that those men knowing that to be the case would use their influence to stop it; that is the way I looked at it, and when those resolutions were passed they had some influence on me. And yet I must confess I had some doubts.

Question. You had some doubts about the good faith of their resolutions?

Answer. Yes, sir; I had doubts. Yet I knew some of the men who were in the meeting, and I thought the thing would be stopped, or perhaps checked. There were some republicans there, men who had been lying out, who had no faith at all in the resolutions.

Question. You mean out in the country?

Answer. Yes, sir.

Question. Republicans were out there, you say, who many of them had no confidence in the resolutions?

Answer. They had no confidence in them. I based my confidence on this: the investigation had commenced, and I thought the friends of the men who had been arrested would adopt that policy.

Question. You had more confidence in their fears than in their good intentions?

Answer. That is where I placed my confidence, in their fears.

Question. Do you know personally much about Cleveland County; have you been there much in person?

Answer. I have been through Cleveland County a great deal, but not much for the last four or five months.

Question. Why?

Answer. I felt that in some localities there I would be unsafe, because of my position as a revenue officer. A man holding that position is not safe in localities in that county.

Question. Have you ever had any conversation on this subject of Ku-Klux with men in Cleveland County?

Answer. I have.

Question. What?

Answer. You mean the citizens of Cleveland County?

Question. Yes, sir.

Answer. I had a conversation with Major Lee, of Shelby.

Question. Who is he?

Answer. A lawyer in that place, a partner of Mr. Durham.

Question. What was the purport of that conversation?

Answer. That was in the month of March; he was at my house in Rutherfordton. He claimed that he had nothing in the world to do with it; that he would make no effort to put it down, and he would make no effort to sustain it; that was about his position. He stated that it was the Government and the Ku-Klux.

Question. The Government on the one side, and the Ku-Klux on the other?

Answer. Yes, sir; and that he had nothing to do with it, and would have nothing to do with it; and he also advised me to take that same position.

Question. Is he a democrat?

Answer. Yes, sir. I remarked to him that I certainly would resist them if they ever came on me. He advised me not to do it; that if I did I might fare badly by it, and that I could move along smooth and have no difficulty.

Question. How could you move along smoothly?

Answer. By taking the same position he did, I suppose is what he meant; he did not say so in so many words.

Question. Were you and he personal friends?

Answer. Yes, sir.

Question. Was he advising you as a personal friend?

Answer. I took it in that way.

Question. Was he at your house?

Answer. Yes, sir; his family were visiting mine.

Question. Did he intimate that you would be in danger if you made active opposition?

Answer. I do not know that he said that; he merely said that if I resisted them I might fare badly, and that I could not successfully do it if they should come.

Question. Did it have any reference to your political action?

Answer. I took it in that way; I do not know that I said so, or that he said so.

Question. When you spoke of resisting them did you mean by taking arms?

Answer. Both by taking a stand against them in society, and by resisting them with arms.

Question. He advised you to do nothing?

Answer. He said that was his position. And he went on to state that if he should take a different position in the town he lived in, he had his doubts whether he himself could live there; he went on to make that statement. I urged it upon him to act like —well, in discussing and arguing the thing, I insisted that he should take a bold stand in Cleveland County and break it down. I told him I thought it was his duty. He said, "I could do no good there; you know my position; I have been considered a moderate conservative man." I told him that was so; and he is so considered, and has been a moderate man; he has not been an extreme man since the surrender; he was during the war, but he has not been so since the surrender. He said that being a moderate man he could not have the influence there that others might have; that if he took a position against them he would then be regarded as any other radical would be; that he would be so considered by the masses there.

Question. That if he should take sides against the Ku-Klux, although he had been a moderate democrat, he would be denounced as a radical?

Answer. Yes, sir; and that he could do no good. And he then stated that if he should take that course he had his doubts if he could live in the town of Shelby.

Question. Is he a man of intelligence and education?

Answer. Yes, sir.

Question. Of influence and character?

Answer. Yes, sir, I considered him so.

Question. Of ability as a lawyer?

Answer. Yes, sir.

Question. What is his age?

Answer. He is forty-three years of age; I have known him ever since I have known anybody.

Question. Has he been practicing law in that county?

Answer. Yes, sir.

Question. How long.

Answer. Sixteen or eighteen years, I suppose.

Question. A partner of Mr. Durham?

Answer. Yes, sir.

Question. Have you had any conversation with any other citizens of Cleveland County upon this subject?

Answer. I do not know that I have, more than—well, yes, I had a conversation with Colonel McAfee not very long since, but it was more in a joking way than anything else; he was joking me and I was joking him.

Question. If it was not an earnest conversation, of course I do not care anything about it.

Answer. No, sir.

Question. If you did not consider his expressions in earnest I do not want them.

Answer. It was as gentlemen will sometimes speak of such things; I took it as a passing conversation. He accused the radicals of Rutherford and Cleveland of doing all the devilment; the conversation passed in a joking way, just in that way.

Question. What is the relative strength of parties in Cleveland?

Answer. Well, sir, I think the vote of Cleveland County is about 2,100, the registered vote; I think there are a little over 300 colored voters, perhaps 400; I do not remember the number, but 300 or 400, though. I think if there was no intimidation at all there would be about 300 democratic majority in Cleveland.

Question. The democrats have the county offices there?

Answer. I think so. I think that in the last election they carried the county by upwards of 800 majority, perhaps 1,000; I do not know exactly what the majority was, but it was very large; the republicans did not turn out fully.

Question. You mean last summer?

Answer. Yes, sir; I think Cleveland County is democratic, on a fair vote.

Question. You say that at the last election the republicans did not turn out and vote?

Answer. Yes, sir.

Question. You think they were afraid to vote?

Answer. Yes, sir.

Question. You think they were intimidated by those outrages?

Answer. I think so.

Question. Will you state whether there was any occurrence at your last superior court in Rutherford—which, I believe, was just previous to the outrage on Biggerstaff, was it not?

Answer. A week before; not longer than two weeks, any way.

Question. Was there any occurrence in that court that produced any fear among the republicans of Rutherford that there would be an increase of Ku-Klux operations in Rutherford County?

Answer. Well, I know nothing more than a general rumor among the republicans; it was thought there among them, from what they could see, that they were organizing. I saw nothing myself; but that seemed to be the feeling after the court; and I believe that during the court there was some organizing going on there; I saw nothing of the kind myself.

Question. You have learned, I suppose, from what has transpired from examinations in North Carolina, that these Ku-Klux are called White Brotherhood, Constitutional Union Guard; you have heard those names?

Answer. Yes, sir.

Question. And there is another degree called the Invisible Empire?

Answer. Yes, sir.

Question. Do you understand the Invisible Empire to be a higher degree of the order?

Answer. I cannot say I do; I have heard men speaking of it in that way.

Question. Is the Invisible Empire rather a more efficient organization of the order?

Answer. I think it is considered, though I have no evidence of the fact, that that is the leading organization.

Question. Are your Ku-Klux in Rutherford members of the Invisible Empire, or of the other branches of the order?

Answer. That is what they state in their affidavits.

Question. That they are members of the Invisible Empire?

Answer. Some of them state so; but the most of them come in and make confession that they belong to the organization known as the Ku-Klux Klan; the most of the confessions read in that way; but some of them will have it put down as they understood it.

Question. Do they put in "Invisible Empire of America?"

Answer. Yes, sir.

Question. And they say Mr. Hamilton C. Jones is the chief for the State?

Answer. That is what I understand. I have not seen any affidavit that gives his name; but I think I heard Judge Logan say that his name had been given as the chief of the State.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where does Jones live?

Answer. He lives in Charlotte.

By Mr. POOL:

Question. Have those men who have come in and confessed given the signs, pass words, and grips of the order?

Answer. I have only asked two or three of them; there was so much pressing there that I have not asked many. Some of them have given them, and I know some of the signs they give.

Question. Do you know whether one of their number—Mr. Downey I think is his name—was attacked by them on the night of the Justice raid?

Answer. Yes, sir, I suppose he was; I saw him the next morning, and he showed me where he had been whipped.

Question. What did he do when he came to town the next morning; what did he say about it?

Answer. Well, he was cursing almost everybody the next morning, I believe.

Question. The radicals?

Answer. Yes, sir; and the Ku-Klux, and everybody else, I believe.

Question. Did he threaten violence?

Answer. I think he did; that is upon some of the men he accused of whipping him.

Question. Threatened to kill them?

Answer. I think he did.

Question. What did he say they whipped him for?

Answer. I think they accused him of revealing some things upon them.

Question. What did he say they told him about what Mr. Justice had said about him?

Answer. As well as I remember, I think they told him that Justice had told them he had been telling; and I think they came for the purpose of killing him; I think that is about the way they approached him.

Question. Well, what did they do? Did they make any move upon him? Did he come to any compromise with his camp? To what camp did he belong?

Answer. To De Priest's camp.

Question. Was he one of the leading men in De Priest's camp, as it turned out?

Answer. I suppose that he took a very active part.

Question. What compromise did he make with his camp?

Answer. I cannot state exactly. I think he was arrested and taken away to Raleigh before he completed his arrangements. My impression is, that the compromise was not really made; but the proposition was made to him, that if he did not make any statement, or tell, they would give him protection; I think that is about his statement of the matter.

Question. Did he carry his disguise to Raleigh?

Answer. I think Captain Bosher, the deputy marshal, took it. Several of these men came in and gave up their disguises.

Question. Have the authorities got a number of the disguises?

Answer. They had five or six, I think. Several of them stated to me that they burned their disguises as soon as they concluded that they would reveal the thing; but there were several who brought them in and gave them to me. Well, the Federal officers who are there, asked me to secure some of the disguises, and I mentioned it to the men who were revealing, and they brought in several of them.

Question. What has been the course of the democratic papers in that State, since these outrages, in the way they treat of them? I mean since this Rutherford move. Have you read the Raleigh Sentinel?

Answer. Yes, sir, I read it frequently.

Question. Did it deny them?

Answer. I think it accused the radicals of doing the devilment; that is my understanding now.

Question. You mean after the raid on Justice?

Answer. Yes, sir.

Question. Do you remember an article in that paper which spoke of it as "another radical outrage?"

Answer. I remember the article, but I do not remember its statements fully.

Question. What is the course of the Vindicator since that time?

Answer. Well, sir, the course of the Vindicator is somewhat changed from what it was previous to that time, I think.

Question. Look at this article, [handing witness a paper,] which appeared in the Vindicator eight or ten days ago, in regard to these men who have come up and confessed before Judge Logan.

Answer. [After looking at the article.] I think I saw that in the Vindicator before I left home.

Question. Read it, so that the committee may know exactly what it is.

Answer. [Reading.] "WHAT SHALL WE DO TO BE SAVED?—We are informed that a number of the citizens of the county were before Judge Logan on Wednesday and Thursday last, to make confession of their connection with the Ku-Klux. It is said that they deny all knowledge of any outrages committed, and that they were never

concerned in any of them. From the character of some of them, we are satisfied they are not of the class of people who can be justly charged with the commission of crime."

Question. That article states, "It is said that they deny all knowledge of any outrages committed, and that they were never concerned in any of them." Is that true?

Answer. No, sir.

Question. They did say they had knowledge?

Answer. Yes, sir; they said they had knowledge and that they had been in several raids.

Question. And this is a false statement to the public?

Answer. Either the affidavits are false or else this is false.

Question. Their affidavits may be false, and this be false too?

Answer. That is so; numbers of them did confess that they were in raids. I have a specimen here of some of their affidavits.

Question. I will see to that in a moment, as soon as I get through with this matter. Is that article from the Vindicator copied into the Sentinel?

Answer. This paper is the Raleigh Sentinel.

Question. Is that a leading democratic organ of the State?

Answer. It is so considered.

Question. Has that paper, since the commission of this outrage upon Mr. Justice, as well as before, denied and palliated generally these offenses?

Answer. Well, we have looked upon it in that way.

Question. Has that been the general tone of the articles in that paper

Answer. That is my impression; that is the way I look at it.

Question. Do you know whether it has denounced the indictments and arrests made by the Federal circuit court?

Answer. I have read it but very little since the Federal court held its session.

Question. I will now call your attention to an article in this paper—the paper is dated July 10, 1871—correspondence in that paper in regard to the Mississippi Ku-Klux trial now progressing. Has that been about the tone of that paper, and of the Vindicator, in reference to the trials going on in North Carolina?

Answer. [Looking at the article referred to.] Yes, sir, I think so.

Question. That has been about the usual tone assumed?

Answer. Previous to this raid on Mr. Justice and the Star office; since that time I have read the paper scarcely any at all.

Question. Has that been about the tone assumed by the democratic papers of the State in regard to bringing these parties to justice?

Answer. I think that is so with regard to the most of them. A few of the papers, I think, have been different; the Old North State and the Telegram have taken a different course.

Question. No other exceptions?

Answer. I do not know that I could make any other exceptions.

Question. Are those papers considered as thoroughly democratic, or are they supposed to be neutral papers; the Old North State and the Telegram?

Answer. I think the Old North State has been considered a conservative or a democratic paper until recently; I think there are some doubts as to what course it will pursue hereafter.

Question. Are the Telegram and the Old North State considered as in full affiliation with the democratic party?

Answer. I cannot say they are.

Question. Do you think they are not?

Answer. I think they are not; at least I do not regard them so.

Mr. POOL. I offer this article in evidence with two views—first, as showing the tone of the leading democratic papers of the State in reference to this matter; and, the second place, to show the position taken by this paper in reference to the trial now progressing in Oxford, Mississippi, and that it attacks the authorities for what they are doing.

The CHAIRMAN, (Mr. POLAND.) The article will be incorporated into the testimony of this witness if there is no objection.

Mr. BECK. I do not intend to make any objection; but if what any and every newspaper fellow may say is to be put in our record here, it will become a very large one. The speech of Stevens against the Alabama constitution was objected to the other day.

Mr. BLAIR. I have no objection to this.

The CHAIRMAN, (Mr. POLAND.) I understand it is offered with this view, that the conduct of the press in that vicinity is claimed to be one reason for these violations of the law.

Mr. POOL. I offer it with that view.

The CHAIRMAN, (Mr. POLAND.) I do not understand that any objection is made.

Mr. BECK. I do not object; I only want the rule to work the same for all.

Mr. POOL. I do not think it is proper to introduce anything that does not bear upon the subject under investigation by us.

Mr. BECK. I only make my suggestion as a caveat for what we may want to do hereafter.

The CHAIRMAN, (Mr. POLAND.) I do not suppose the fact that this article is in the Raleigh Sentinel makes it any more valuable than if it was in a republican paper. Mr. Pool claims that the tone of these teachings of the public press makes it more difficult to enforce the law there, and to put a stop to those outrages. It is not because it is in a democratic paper that it is applicable; it would be the same if it was in any paper.

Mr. POOL. The fact that it is in a democratic paper is nothing so far as its admissibility is concerned; I want it to appear for what it is worth.

The article is as follows:

[Correspondence of the Sentinel.]

"MISSISSIPPI KU-KLUX TRIALS.

"*United States District Court—Trial of Supposed Ku-Klux of Monroe County, Miss.—Great Interest Manifested in their Behalf—Many of them the most Respectable Citizens of Mississippi—Charged with killing one Alexander Page, (colored)—Progress made in the Case.*

"OXFORD, MISS., *July* 3, 1871.

"The United States district court is in session at this place, Judge R. A. Hill presiding. There are many lawyers in attendance, among whom we may mention Gen. Gholson, Col. Reynolds, Mr. Turner, District Attorney Wells, and Judge Blockman.

"There are about forty indictments against certain parties of Monroe County, Miss., charged with

"KU-KLUXING

one Alexander Page, colored. This is the first case, in this State, which has been considered under the infamous act of Congress, known as the

"KU-KLUX BILL;

or Grant's electioneering scheme, in order to be enabled again to disgrace the White House with the presence of his contemptible person.

"Many of the persons arrested are of the first families of this State, who have always been respected and honored by the highest society to be found, and who stand above suspicion in the eyes of all true sons of peace and law. Some of them show that their heads have grown hoary with the frosts of seventy winters, and they have never before been arraigned before any judicial tribunal, to answer for offenses committed against the 'best Government the world ever saw.' It is an affecting scene to visit the court-room and see our noble old sires, men of integrity and honor, sitting as prisoners under the vigilant eye of some colored son of Ham, a member of the loyal family of African 'scent;' but the day of retribution will come by-and-by.

"The people of Mississippi are shocked and disgusted at the proceedings which are now going on in this part of the State in reference to the action of the district court. But these chivalric people are preparing to cast off the shackles of oppression in the next presidential election, and also in their State and county elections. From almost every quarter comes stirring news for the

"DEMOCRACY OF THE LAND.

"The case now in court is rapidly progressing. The defendants in the case tried to prove an *alibi* and sue out a writ of

"HABEAS CORPUS.

"They completed the examination of their witnesses two days ago, and the witnesses for the United States are now being examined. There is great fear among the people of this vicinity and the State at large that many of the prisoners will be convicted. I will give you further information in a short while. J. R. P."

By Mr. POOL:

Question. You can now proceed and state anything else that has any bearing upon this general subject of Ku-Klux in that county, what manner of men they are, the authority of the organization as you suppose, its effect upon society, its effect upon the conduct and feeling of security upon the part of certain individuals; anything of that kind you will state.

Answer. I can only state that for several months, I do not know how long, some three or four months, there have been a great many citizens there, as good men as we have,

who have been afraid to remain in their houses of a night. They have stated to me that they have taken quarters out in some secure place; and very often I have been with them under those circumstances. As to the kind of men who belong to this organization, I can only state from the men who have made these confessions.

Question. They have disclosed the names of many of the men in your county who are connected with it?

Answer. Yes, sir.

Question. What are they?

Answer. Some of the men who have confessed there are of as good families as we have in our country.

Question. Men of substance, standing, and influence in your county?

Answer. Yes, sir.

Question. Have they implicated any republicans?

Answer. I think some two or three republicans have made confessions.

Question. Those who were acting with the republican party?

Answer. I do not think they voted with us last summer.

Question. They were republicans up to that time?

Answer. Yes, sir.

Question. Most of these outrages have occurred since last summer?

Answer. Yes, sir.

Question. Was there any republican, who continued to be so during the election last summer, implicated by these confessions?

Answer. If there are any they are very few; I do not remember any; it may be so, for they have given a great many names; I have not looked over all their statements, and do not know all their names.

Question. You do not know of any?

Answer. None, with the exception of these three or four I have mentioned.

Question. They did not vote with the republican party last summer?

Answer. I think not. I was talking with one of them, and I think he said that he divided his ticket last summer.

Question. What reason did he give for going into this organization?

Answer. He stated that he went in from fear, and to get protection.

Question. To protect himself?

Answer. Yes, sir.

Question. Did he state that he divided his ticket last summer for that reason?

Answer. Well, sir; we were speaking of that, and I think he told me that he divided his ticket.

Question. Because he thought it would give him protection?

Answer. He did not say as to that. He just remarked to me that he voted for men on both tickets last summer.

Question. And that he joined this organization to get protection?

Answer. He so stated to me; and I think he so stated in his affidavit.

Question. Are there any other facts that you can state?

Answer. I might state a great many, if brought to my mind, in regard to how things have been there.

Question. There was a horrible outrage committed in your county by some men of the name of Adair?

Answer. Yes, sir.

Question. Tell us in regard to that?

Answer. Well, sir, there was a colored man and three children murdered, I think; and the woman he was living with, and who was a white woman——

By Mr. COBURN:

Question. When was that?

Answer. I suppose it was in May.

Question. May, 1871?

Answer. Yes, sir. The woman escaped with her life. She stated on oath before a magistrate that these Adairs, and a man by the name of Bennard, were the parties who committed the murder. They were arrested and put in jail, and they are there now. The Adairs are republicans; I do not know Bennard's politics; I suppose he is a republican, I do not know; he is a very common man.

By Mr. POOL:

Question. Who was killed on that occasion?

Answer. A colored man and three children.

Question. Was the house set on fire?

Answer. Yes, sir; and burned up.

Question. What was the motive alleged for that murder?

Answer. I do not know that I can make you a clear statement about that. There has been a sort of difficulty in that community between some men by the name of Morgan and the Adairs; but how it is I do not know exactly.

Question. Was it about a distillery?
Answer. It was about some brandy.
Question. Had this colored man been helping them in an illicit distillery as alleged?
Answer. I cannot tell you as to that.
Question. Was that regarded as an outrage by the Ku-Klux?
Answer. No, sir.
Question. The Ku-Klux are not responsible for that?
Answer. No, sir. The republicans arrested these men promptly.
Question. Put them in jail?
Answer. Yes, sir.
Question. And they are in jail now?
Answer. Yes, sir.
Question. What is the character of that woman?
Answer. She has a very bad character. She has been living in adultery with a negro man ever since the war, and previous to the war, I think.
Question. And has had children by a negro man?
Answer. I suppose so.
Question. What is her character for intelligence?
Answer. I suppose she has none at all hardly.

By the CHAIRMAN, (Mr. POLAND:)

Question. Did you understand that these Adairs, or whoever did commit that act, were disguised?
Answer. I think not. I think that is the statement of this woman, that they were not disguised.

By Mr. POOL:

Question. Does the implication of the Adairs rest upon any evidence except hers?
Answer. None that I know of.
Question. The Adairs are both white men?
Answer. Yes, sir.
Question. I mean to include the other man, Bennard. Is there any evidence against him beyond hers?
Answer. Not that I know of.
Question. Do you know anything about the release of any prisoners recently, in the town of Marion, in McDowell County, which borders on your county?

By the CHAIRMAN, (Mr. POLAND:)

Question. Let me ask a question right here. Is it claimed by anybody that there was anything political in the killing of this old negro?
Answer. Nothing of the kind.
Question. Was the negro man who was killed a republican?
Answer. Yes, sir; I suppose so.
Question. It is not charged or claimed by anybody that that transaction was on account of anybody's politics?
Answer. No, sir; the Adairs are considered rash men and dangerous men, and very strong republicans. They are extreme republicans. The negroes down there are republican of course. So far as I know there is but one democratic negro in the county.
Question. It has never been claimed by anybody that that transaction had any connection at all with politics?
Answer. No, sir.

By Mr. POOL:

Question. Is it claimed that this negro was murdered because he was likely to be a witness upon some charges against them?
Answer. I have heard that rumor. I know nothing of the facts.
Question. The Adairs had been charged with stealing some brandy, had they not?
Answer. Yes, sir.
Question. From a still at which this negro was employed?
Answer. No, sir; it was from a fruit distillery last summer. The brandy was made last summer, and I think it was stored in a smoke-house near by, and taken out of that after night and carried off.
Question. Has there been any prosecution against the Adairs for that?
Answer. I think so.
Question. Was the negro summoned as a witness in that prosecution?
Answer. Well, I do not know enough about it to make a statement. I can only state rumors in regard to it, because I have never made any inquiries about it.
Question. Then I will go on and inquire about the transaction in Marion. How far is Marion from Rutherfordton?
Answer. We call it twenty-six miles.

Question. What occurred at Marion a few weeks ago?

Answer. I heard, before I got to Marion, that there was a parcel of disguised men. However, I will go further back and state that my understanding was that Judge Henry had committed four men there in jail.

Question. Charged with what?

Answer. With going in disguise and abusing Mrs. Murphy, a white lady.

Question. Who was Mrs. Murphy?

Answer. A widow lady in McDowell County.

Question. Widow of whom?

Answer. Of Burton Murphy.

Question. Was he a member of the constitutional convention of North Carolina?

Answer. Yes, sir.

Question. A republican?

Answer. I think he was.

Question. They were accused of committing an outrage upon her?

Answer. Yes, sir,

Question. Were they in company with others when the outrage was committed?

Answer. I do not know whether there were any more or not.

Question. They were in disguise?

Answer. Yes, sir; they were in disguise. And they were arrested and committed to jail. I heard, before I left home, that a band of disguised men had released them from jail. I was talking with one of the citizens as I passed through, and he said some fifteen or eighteen men in disguise came there and demanded the keys and released them. That is about all I know about it.

Question. When did that occur?

Answer. I do not remember; it was some two weeks ago, I guess; I do not remember the date.

By Mr. BLAIR:

Question. In regard to this transaction of the Adairs, and the murder committed by them, did I understand that the woman escaped and testified as to their identity?

Answer. I stated that she escaped with her life. She states she is satisfied they thought she was dead, but she was not.

Question. They attempted to kill her?

Answer. That is what she states.

Question. They inflicted some severe wounds upon her?

Answer. Yes, sir.

Question. A disguise would have been entirely unnecessary if they had succeeded in killing her as they did the others?

Answer. I would think so. When I made the remark that she escaped with her life, I did not mean that she had run and got away.

Question. The question was asked, whether those parties were disguised or not. It seems that the attempt was made by them to kill the whole family, so that there might be left no witness to the transaction.

Answer. There is no doubt in my mind but what that was the intention.

Question. And that was a substitute for any disguise?

Answer. Yes, sir.

Question. Did I understand you to say that the negro was a witness against the Adairs in some suit, or some prosecution in regard to some brandy stolen by them?

Answer. I stated that there was a difficulty there between the Adairs and the Morgans, but that I could not make a clear statement of the facts. It was rumored there that he was a witness; but then I can only state it as a rumor, for I know nothing of the facts.

By Mr. BECK:

Question. Nearly all you have stated is what you have heard; why make the distinction in this case?

Answer. It was rumored that he was a witness, and it was rumored that he was not a witness; there are both rumors; that is just the way it stands.

By Mr. BLAIR:

Question. What was alleged as the motive for killing the negro?

Answer. Well, sir, I do not know.

Question. Was it anything in regard to his living with a white woman?

Answer. I heard nothing of that kind.

Question. You think it was in no sense political?

Answer. No, sir; I have no idea there was any politics in it; I cannot think so, for they were all republicans.

Question. The only ostensible motive you have heard is the rumor that this negro was to be a witness against them in the trial?

Answer. Yes; it seems to be the impression there with both parties, republicans and

democrats, and with the community generally, that there was a difficulty in the neighborhood; each party tells their own tale; you can hear rumors on both sides.

Question. This was made no party question; there were simply parties to the feud.

Answer. No party question; no political question.

Question. The rumor that this negro was to be a witness against those parties, in the prosecution pending against them, seems to be the only ostensible cause, so far as you have heard?

Answer. That is what was told.

Question. Did you know Mr. McGahey?

Answer. Yes, sir; I knew him.

Question. Did you know him personally?

Answer. I was not very well acquainted with him; I knew him when I saw him.

Question. What sort of man was he?

Answer. A laboring man, a poor man; so far as I know he was a quiet man. He was a man who had the character of being rather a dangerous man when excited; that is what his neighbors said of him. But I never heard of his having but one difficulty previous to that.

Question. What was that about?

Answer. I do not know what the difficulty was about. I heard of his snapping a pistol at a man, perhaps ten or fifteen years ago. That is the only difficulty I remember hearing of his having before.

Question. What was the cause assigned for the visit of those marauders to his family?

Answer. Well, sir, I do not know that I can give any cause, more than it was like all the other cases have been. I do not know that they alleged any particular reason; I do not remember.

Question. Did not those parties, when they visited his house and found that McGahey was absent, push his wife about and inflict some indignity upon her, and tell her that they wanted to kill McGahey because he was a liar?

Answer. I heard nothing of that kind that I remember, and I heard the most of the witnesses in that case; I do not remember anything of that kind.

Question. You do not remember any such statement?

Answer. No, sir.

Question. What was McGahey's politics?

Answer. He was a republican.

Question. Are you sure of that?

Answer. He was so considered by the opposite party; I have always considered him so, and he has always been so considered, so far as I understand it.

Question. Mr. Justice did not consider him so?

Answer. I do not know what he considered him; I considered him a republican, at least that was my impression, and it was the opinion of his neighbors there. I live some little distance from there, some ten or fifteen miles; but I know his neighbors considered him a republican.

Question. On the night of this attack on his family he returned home after the party had left, and then immediately organized a party to follow the marauders?

Answer. That is my understanding; he went for some of his neighbors.

Question. And among them was Aaron Biggerstaff?

Answer. Yes, sir.

Question. And they followed them for a considerable distance, until they reached the house of Sam. Biggerstaff?

Answer. Yes, sir; that is what I understand.

Question. And when they reached Sam. Biggerstaff's house, McGahey pushed open the door and fired into the house?

Answer. My understanding of that is this: When they got within some little distance of the house, perhaps fifty or sixty yards, McGahey ran ahead of the crowd that was with him, burst in the door, and fired his gun; that is my understanding of it.

Question Was anybody injured in Sam. Biggerstaff's house?

Answer. I think not; I do not know of any one who was injured there at that time.

Question. Nothing was done except to fire a gun into the house?

Answer. Well, the door might have been broken; I do not remember as to that; he might have pushed it open; anyway, he got in, and the gun was fired; some of the witnesses state that there were two guns fired; there was one fired, anyway.

Question. Those two Biggerstaff's were related, were they not?

Answer. They were half-brothers.

Question. It was known that Aaron Biggerstaff was of the party that made this attack on Sam. Biggerstaff's house?

Answer. O, yes; I suppose it was.

Question. It was known that he accompanied McGahey on that occasion?

Answer. I do not think he denied it; none of the parties who were with McGahey but what just acknowledged it, told it.

Question. You say that was the first affair of the kind, or among the first, that occurred in the county?

Answer. Yes, sir; unless there might have been some negro whipped along the South Carolina line; I do not remember anything of the kind.

Question. You do not remember any that preceded this?

Answer. No, sir, I do not remember now; though there might have been some along the lower edge of the county.

Question. The next day McGahey continued the pursuit of that party?

Answer. I think it was the second day, as well as I remember, that he shot De Priest; I will not be positive about that.

Question. He called him to the door and shot him?

Answer. My understanding is that he called him out of doors into the yard and then shot him down.

Question. Did this circumstance create much excitement in the county?

Answer. Well, there was right smart of excitement there for several days; at least in that community.

Question. Was there not another man who was supposed to have aided McGahey? I understood you to say that McGahey fled the country after he committed this crime; after he killed De Priest?

Answer. Yes, sir.

Question. And some party in the neighborhood was suspected of having aided him?

Answer. Yes, sir; I think they accused Aaron Biggerstaff of having aided McGahey to get away.

Question. Was there not another man who was attacked, a man who was the owner of some teams and engaged in hauling about the country?

Answer. Who was accused, with Aaron Biggerstaff, of aiding McGahey to get away?

Question. Yes.

Answer. There was Hollofield, the coroner of the county; I think they accused him of it; I know nothing of it myself, that is, as to the facts; I think they accused several of aiding McGahey to get away.

Question. Of aiding in his escape?

Answer. Yes, sir.

Question. And that charge was made against Aaron Biggerstaff?

Answer. I think it was; that is my impression.

Question. Do you not know that it was?

Answer. No; I do not know it. It was either that, or they accused Biggerstaff with having something to do with killing De Priest. They made one of those accusations against him; but I do not know which; I have heard so much of it there that I cannot tell what was actually the fact.

Question. Did not Sam. Biggerstaff accompany the party who went to inflict punishment on Aaron Biggerstaff?

Answer. He is accused of being with the party.

Question. And it was alleged either that Aaron Biggerstaff aided in the escape of McGahey, or aided in the killing of De Priest?

Answer. I think they made those charges against him.

Question. Then undoubtedly this attack upon Aaron Biggerstaff grew out of the former transaction, and the feud which had grown up because of the killing of De Priest, and the firing into Sam. Biggerstaff's house?

Answer. Well, all I can say to that is that it might or it might not. But several of those men, quite a number of them, were from Cleveland County, when they made the raid on Aaron Biggerstaff; they were strangers to him.

Question. Strangers to that quarrel?

Answer. Yes, sir; strangers to that quarrel, and strangers even to Biggerstaff himself.

Question. When they raided on him the allegation was that he had aided in the escape of McGahey, or in the killing of De Priest?

Answer. Yes, sir, one or the other, I do not remember which; they used such language, something in regard to the McGahey scrape.

Question. There was no other motive assigned for it, was there?

Answer. Yes, sir.

Question. By whom?

Answer. By the parties; they told him when they whipped him—so he states and so do the other witnesses also—that it was done on that account and because he was a radical. They made that statement to him; so he states, and so the other witnesses state.

Question. He was undoubtedly of the party with McGahey that went in pursuit that night?

Answer. Oh, yes; there is no doubt about that; but he did not go to the house of Sam. Biggerstaff; I do not think that he went nearer to it than within fifty or sixty yards, perhaps.

Question. He was known to have been in that party?

Answer. Yes, sir; he acknowledges that; he does not deny it.

Question. And he is also accused of aiding in the killing of De Priest?

Answer. I think the parties, the night they whipped him, accused him of having something to do with that, or something to do with assisting McGahey to escape, to get out of the country. I know the McGahey scrape came up, for I heard him speak of it.

Question. You say this transaction, when it occurred, excited a great deal of attention, and the judge of the circuit immediately caused the arrest of all the parties who were known, summoned witnesses against them, and bound them over to appear?

Answer. Yes, sir.

Question. Was there not, at the time of those arrests and the placing those persons under bond, a personal quarrel that grew up with the judge himself in reference to it?

Answer. Personal quarrel with whom?

Question. With Judge Logan, in regard to this affair.

Answer. With whom?

Question. With some of the lawyers; with Mr. Schenck, for instance; was not the judge charged by Schenck with partisan conduct?

Answer. I suppose he was.

Question. Charged in a published letter with partisan conduct?

Answer. I suppose he was.

Question. With making a party question out of this feud; and did not the judge proceed to disbar the attorney, Schenck?

Answer. I suppose he did.

Question. For what he called a contempt of court in the charge made by Schenck? The charge made by Schenck was that the judge had behaved in a partisan manner in reference to this personal feud between the Biggerstaffs and others in that neighborhood?

Answer. That is my understanding; I read his letter, and I think he accused him of making party capital out of it.

Question. Attempting to drag politics into it?

Answer. Yes, sir; I think he accused him of it.

Question. Did not the judge pretend that he felt very unsafe in holding court there, and did he not call out a large body of men to aid him, and did he not abandon one of his courts altogether?

Answer. No, sir; he did not go to the Shelby court until the latter part of the week. He issued the warrants on the Sunday evening previous to the Monday when his court was to have commenced; and the men were arrested on the Monday, Tuesday, and Wednesday of that week.

By Mr. BECK:

Question. Was that in May last?

Answer. No, sir. I think that was the last of March or the first of April. I do not remember exactly, but it was about that time somewhere. He went to Shelby, I think, on Thursday; if I remember right he left Rutherford on Thursday.

By Mr. BLAIR:

Question. Did he not send a communication to the Senate of the United States that he was unable to hold court on that account?

Answer. Not that I know of. There was a letter sent by him, and I was in his office when the letter started. My understanding was that that letter was to be carried by Carpenter to the governor of the State; it was to go to Raleigh instead of to Washington.

Question. But it did come to Washington, did it not?

Answer. I suppose it did; I saw it published.

By Mr. BECK:

Question. Was he a State judge or a United States judge?

Answer. He was a State judge.

By Mr. BLAIR:

Question. In this communication of his in reference to this affair, growing, as it appears, out of a personal quarrel between these parties, he made the statement that it was a party affair, an attack by the democratic party upon certain members of the republican party, and he appealed to Congress for aid?

Answer. I do not know about his appealing to Congress. The letter, as I understood it, was to the governor of the State. I am satisfied that he had no idea that the letter would go to Washington.

Question. It was thought to be a good card to aid the passage of a bill then pending in Congress?

Answer. I am satisfied the judge knew nothing about it until the letter appeared in print; that when it left Rutherfordton it was intended for the governor alone, and for nobody else.

Question. A copy was sent here by others?

Answer. I understood that Mr. Carpenter brought a copy of it on here.

Question. This Mr. Justice is an attorney, is he not?

Answer. Yes, sir; he has been.

Question. He was assigned, or appointed to, or assumed the duty of, prosecutor in regard to this Biggerstaff case; he appeared in the suit?

Answer. That was before Judge Logan.

Question. He appeared not only before Judge Logan, but in the subsequent prosecution before the commissioner?

Answer. Yes, sir; but the first Biggerstaff case did not come before the United States commissioner at Rutherfordton.

Question. I know it did not, but the second Biggerstaff case did?

Answer. Yes, sir.

Question. And in that case Mr. Justice appeared as prosecutor?

Answer. Yes, sir.

Question. Does it not appear to you that all of these disturbances, or pretty nearly all, that you have enumerated and commented upon, with the exception of this Adair case, and probably one or two others, have all grown out of this Biggerstaff feud, which seems to have spread over your whole county?

Answer. No, sir; it does not appear so to me; I think it is really political; that is the way I look at it.

Question. Did not Judge Logan by his action upon it give it its first political aspect?

Answer. No, sir.

Question. Is it alleged by anybody that the attack on McGahey was made on account of his politics?

Answer. Yes, sir; we thought so at the time; that is the view I took of it.

Question. Was not the alleged cause of the attack on Mr. Biggerstaff, by your own statement, entirely distinct from politics?

Answer. No, sir; not by my statement; you have misunderstood me. Those men made charges that he had something to do with the killing of De Priest.

Question. Did he not actually have something to do with it?

Answer. He was with McGahey the night of the raid; that is all true. But the way we have looked at it—at least that is my opinion—is that when the thing commenced there we were expecting it, from the fact that Cleveland County had suffered a great deal from it. We join Cleveland County, and this thing was going on in Cleveland County before it came into our county. If it was the only case in our county I might not have thought it was political; but it was similar to all these cases in Cleveland County, and therefore it assumed the same appearance to me.

Question. Did not all the cases in Cleveland County arise out of private feuds like this?

Answer. I do not know.

Question. Then how could they be similar to this?

Answer. I mean this: that those who are whipped are all of one party, with but few exceptions; I have mentioned one, the only one that I remember.

By Mr. BECK:

Question. What had McGahey done as a republican to call down vengeance on him more than a year ago?

Answer. I do not know that he had done anything more than vote.

Question. Do you know that he did vote your ticket?

Answer. That was my understanding.

Question. Did you ever hear that he had voted the republican ticket?

Answer. I regarded him as a republican; I do not know that he went to the polls and voted.

Question. You never heard anybody say that he had voted the republican ticket?

Answer. That he voted, no. But I have heard again and again that he was a republican.

Question. And you regard the attack as having been made on him because of his politics?

Answer. Do you want my opinion?

Question. I do not want your opinion; I want facts. What information have you that the first attack was on account of politics?

Answer. The information I had was this: it was a similar outrage to what had been committed in the Cleveland and Spartanburg districts, which I regarded as political. I looked at the McGahey case in the same light that I would the whipping of a colored man in Cleveland County.

Question. You assume that it was political from its similarity?

Answer. Certainly.

By Mr. BLAIR:

Question. Although you know the fact to be that Aaron Biggerstaff had accompanied

this party when they fired into Sam. Biggerstaff's house, and when they killed De Priest——

Answer. They did not kill De Priest that night.

Question. I know that; but knowing the fact that Aaron Biggerstaff himself declared that when they whipped him they told him that it was because of his complicity in the McGahey affair, still you say it was political?

Answer. They said that at the time.

Question. Did they not say the other thing at the time?

Answer. Yes, sir; they said both; that is my understanding.

Question. Would not anybody draw the conclusion that when a man was implicated in the murder of one of their friends, and in firing into the house of another, that was the most probable cause of such a punishment to be inflicted upon him, rather than his political sentiments?

Answer. Of course it is a cause from which revenge would arise; that is all true. To look at it from that stand-point, to confine yourself there and not connect it with what is going on in the country, you might make it appear as a personal matter; but you see that this case, in connection with the cases in Cleveland County——

Question. What had Cleveland County to do with this transaction?

Answer. There were men there from Cleveland County.

Question. This was near the Cleveland County line, was it not?

Answer. It was I think some five or six or eight miles from the line; I do not remember exactly.

Question. Was it not probable that De Priest had personal friends in Cleveland County as well as in his own county?

Answer. He might have had.

Question. And they might have united in an attack to inflict punishment upon his murderers?

Answer. He might have had friends there.

By Mr. BECK:

Question. How many white republicans had you in the county of Rutherford when McGahey was first attacked?

Answer. I cannot tell you how the majorities ran.

Question. You said there were twenty-three hundred registered voters in Rutherford county?

Answer. Yes, sir.

Question. And that there were three or four hundred negro voters there?

Answer. Yes, sir.

Question. And your majority was how much?

Answer. In 1868 our majority, on an average, was eight hundred. That was in the election upon the constitution.

Question. Then you must have had some twelve hundred white republicans in the county?

Answer. Yes, sir; from that calculation I suppose there were that many.

Question. And McGahey had never held any political office?

Answer. No, sir.

Question. He was an obscure, humble man?

Answer. Yes, sir.

Question. You say he was the only white man attacked at that time, or for nearly a year after?

Answer. No, sir; it was not a year; it was some time after.

Question. It was ten months; and that without a knowledge even of how he voted, knowing the fact that he was an obscure man and had never held any office, had never been even so prominent, for you, a republican official, to know whether he belonged to your party or not, you still assume that it was a political attack on him?

Answer. I think so; that it was done for political effect; that is my impression.

Question. You have nothing upon which to base that impression?

Answer. Yes, sir; I have.

Question. Except the fact that other things have been done in other counties. If you have any other facts state them. I want to see how fair you want to be in your testimony.

Answer. I judge so from this thing: He lived from five to eight miles from the Cleveland County line. I do not remember exactly how far. Similar occurrences were taking place in Cleveland County. Well, when they came over into our county, he happened to be the first man they attacked, and I put him upon the same principle that I do those men who were whipped in Cleveland.

Question. You are simply arguing from analogy; from what occurred in one county you argue about what occurred in another; you claim that they picked up an obscure man who never had held an office, in order to make him an example to twelve hundred white men?

Answer. They had to hit somebody, and, in coming into this county, these men have generally picked out the lowest class first.

Question. Then a lull occurred of about ten months afterward?

Answer. I do not think it was ten months after; I do not think it was that long.

Question. I only want to get at your reasoning.

Answer. That is where I based it; that is where I put it.

By Mr. BLAIR:

Question. Mr. Justice, in testifying here, said to the committee, that when these disguised men went to McGahey's house, they declared that they intended to whip him because he was a great liar.

Answer. They may have used that language; they use a great many expressions.

Question. That was the only allegation they made?

Answer. I do not remember of hearing Biggerstaff state that, but generally when they abuse parties they will tell them to work more and talk less, and use all expressions of that kind; but at the same time they invariably told them that they must quit voting the radical ticket, and they gave them their orders in regard to it. They might accuse one man of one thing and another man of another, when they came to whip them.

Question. I want now to ask you the question, whether or not the first political aspect given to this was given by the conduct of Judge Logan himself?

Answer. Do you want to know about his action in this matter?

Question. Yes; whether it was not by his action and his attempt to bring it before Congress that the first political aspect was given to that case?

Answer. No, sir. I said awhile ago that when Judge Logan wrote that letter he had no idea it would ever go to Congress. I was with him when the letter left his office; I was sitting there in his office. There was nothing in the world said about sending the letter to Washington, but he ordered Mr. Carpenter to take it himself to Governor Caldwell; he would not even mail it, and he was displeased when Carpenter came home and told him that he had taken a copy of the letter and brought it on here.

Question. The second time that they attacked Biggerstaff, you say that they whipped his daughter?

Answer. No, sir; not the second time; that was the first time.

Question. And the allegation when they whipped her was that she had appeared as a witness?

Answer. Yes, sir; that is my understanding.

Question. That is a similar allegation to the one that was made in reference to the old negro who was killed by the Adairs. You did not consider that Adair case at all political?

Answer. No, sir; I do not.

Question. The danger of the old negro appearing against the Adairs did not make that case at all political?

Answer. Not at all, because they all belonged to the same political party.

Question. But if they belong to other political parties, and one whips the other for appearing as a witness in a transaction of this kind, then it is political, because the persons belong to different political parties?

Answer. Well, it has become such a common occurrence that that fact is established. If it was an isolated case I would change my mind.

Question. You say this McGahey case was the first occurrence in that county?

Answer. Yes, sir.

Question. Then how could it be such a common occurrence?

Answer. Because it was right within a few miles of those who had been treated in the same manner, both white and black; that is the way I look at it.

Question. Was it not a fact that the woman had appeared as a witness against certain of them?

Answer. I suppose that was the fact, but I do not know; I do not know anything about that.

Question. It was also a fact that Aaron Biggerstaff had aided and abetted McGahey in killing one of their friends?

Answer. I did not say that was a fact.

Question. He was with the party that killed him?

Answer. Not at the time.

Question. But he was with them the night previous, when McGahey fired into Sam. Biggerstaff's house?

Answer. Yes, sir; and right at that time when McGahey fired a gun, Aaron Biggerstaff, Holland, Tony, and perhaps two or three others who were along, said that they would not go with McGahey any further in consequence of his firing into that house; they said he was acting rashly; that they did not go out for any such purpose.

Question. Did the parties know that they had disbanded?

Answer. Which parties?

Question. The parties that they were in pursuit of.

Answer. I do not think they did know it.

Question. They knew that they had joined in the pursuit?

Answer. I do not know whether they knew it or not.

Question. I understood you to say that they made it public?

Answer. Afterward; that is, Aaron Biggerstaff, Holland, and the men with McGahey, did not deny it the next day.

Question. They did not deny it?

Answer. No, sir.

Question. It was known to the men they had pursued, it was known to Sam. Biggerstaff, that these men had accompanied McGahey when his house was fired into?

Answer. Yes, sir. About that time of night there was a skip of snow upon the ground, and as I understand there were four tracks that led to Sam. Biggerstaff's house; that is the statement, as well as I remember it. When they had got within fifty or sixty yards of the house, seeing that the tracks led to the house, McGahey broke away from the crowd and ran up to the house, leaving the others behind him, and burst the door open, or pushed it open, and fired into the house; that is my understanding of it. The men who were with him then disbanded and went home.

Question. Sam. Biggerstaff was with the party that afterward whipped Aaron Biggerstaff?

Answer. So I understand; he is accused of it.

Question. Does it not stand to reason that the offense committed by them in firing into his house was more likely to be the cause of the attack upon Aaron Biggerstaff than his political sentiments?

Answer. No, sir; I think not. If Mr. Sam. Biggerstaff had taken his boys and two or three or four neighbors, and gone over there and whipped Aaron Biggerstaff, it would have looked like it; but for forty or fifty men to go there, a great proportion of them from Cleveland County——

Question. Was a great proportion of them from Cleveland County?

Answer. Yes, sir.

Question. Give us the names?

Answer. I cannot give the names. The affidavits of the men at home will show the names; the names can be had.

Question. What was the proportion of those from Cleveland County in that affair?

Answer. The statement that the judge made to me was, that he was finding out a number of them from Cleveland County, who were in the Biggerstaff raid, whom he knew nothing of before; that he was finding out a number of them by these confessions.

Question. These recent confessions?

Answer. Yes, sir; confessions made the last few days, before I left home. The judge said he was finding out the names of some men from Cleveland County who were not before known in the case.

Question. You do not think the firing into the house of one of the parties, and the killing of another of the parties, furnished a cause that would have excited the vengeance of these men equal to the political sentiments of Aaron Biggerstaff?

Answer. O, I think that was enough to incite them to do most anything.

Question. And might not the men from Cleveland County who accompanied them have accompanied them because they were personal friends as well as political friends?

Answer. I think not. I do not think you could rally that many personal friends to pursue such a course; that is my judgment; that is the way I look at it.

Question. Well, I would like to have your judgment in these matters.

Answer. It is not worth much, but that is my opinion.

Question. I see that you are all very incredible that any other motive could operate except a political one; that is the great point made by all of you people down there; that it was a political feud, instead of being, as the transaction appears upon its face, simply a personal matter. I wanted to hear you testify upon that point distinctly. Now I will ask you again, if nearly every transaction of this character, with a few noted exceptions, some of which you have mentioned, cannot be traced in some way or other to the divisions which grew out of these feuds?

Answer. This Biggerstaff difficulty?

Question. Yes, sir. Whether in almost every instance of these outrages, even down to that of Mr. Justice, who appeared as counsel in one of these cases, they did not grow out of or have some connection with this Biggerstaff case?

Answer. No, sir, I think not; because there were men whipped there who did not know Biggerstaff, who knew nothing about him more than what they would hear as any other citizen of the county would. I believe there were persons whipped there, in Rutherford, who, perhaps, had never seen Mr. Biggerstaff, and who would not have known him if they had met him.

Question. Give an instance of that kind.

Answer. I do not know that I could give an instance; I judge only from knowing how it is in the community.

Question. That might very well be, as in the case of Mr. Justice; it might well have been the fact that Mr. Justice did not know any of these parties, but he became involved in trouble by appearing there and making a rigorous prosecution and using violent language, as he himself admits he did.

Answer. I think you are mistaken about his being in the Biggerstaff case.

Question. He appeared in the second Biggerstaff case in the examination before the commissioner; in the first case before the judge, and in the examination of witnesses before the commissioner; he appeared, and his testimony will show that he appeared, as counsel or prosecutor.

Answer. Yes, sir, in the second Biggerstaff case he did, and also in the first Biggerstaff case; but that was before a judge of the State court. I do not exactly remember the language of Mr. Justice before the commissioner in the Biggerstaff case, but the language used by him and the opposite attorney, both of them, was severe.

Question. Is it not also a fact that, when Mr. Justice was taken out by a lot of these men, they said to him, as he himself testified, that if he would tell them where Biggerstaff was they would let him go?

Answer. That is what he states.

Question. He states that?

Answer. He so stated to me.

Question. Does not that show that they followed him and pursued him because of his connection with Biggerstaff, and that they were willing to let him go if he would inform them where they could find Biggerstaff?

Answer. With a proviso that he himself would not afterward swear against them.

By Mr. BECK:

Question. Do you not think they would have taken Justice out just the same if he had been a democrat; do you think his politics had anything to do with their taking him out?

Answer. I think that was all the reason.

Question. You do not think it was at all because of his connection with the Biggerstaff case?

Answer. No, sir.

Question. Then why did they offer to let him go if he would tell where Biggerstaff was?

Answer. Biggerstaff was the main witness against them; if Justice would swear not to say anything about them, and they could get Biggerstaff and kill him, there would be no witness against them.

Question. What difference did it make to them whether Justice was a democrat or republican, if their object was to get Biggerstaff and kill him? Did it make any difference whether they were convicted on the testimony of a democrat or of a republican?

Answer. It would make no difference, so far as the punishment was concerned.

Question. Was not that their object only?

Answer. I think their object was to keep the thing hid.

Question. Then, if they succeeded in keeping it hid, what difference did it make to them whether Mr. Justice belonged to one political party or another?

Answer. I cannot state how they looked at it?

Question. You were stating how they did look at it, according to your opinion.

Answer. My opinion is that it was political.

Question. You have got that into your head, and you mean to stick to it.

Answer. I acknowledge that the circumstances force me to hold that opinion, and I expect to keep it. I could make a statement in regard to that to sustain my position, if you will allow it

By Mr. BLAIR:

Question. Certainly, I think it needs something to sustain it.

Answer. In the same case—the Biggerstaff case—Mr. Gedney, a democratic lawyer, was appointed by Mr. Moore to prosecute the case, and he did it. I have not heard of a threat against him, or of his being molested in any way. Mr. Justice was also appointed for the same purpose, and he was taken out and abused by these parties.

By Mr. BECK:

Question. Was Mr. Justice appointed, or did he offer himself to prosecute?

Answer. He was assigned in the same way that Mr. Gedney was. Mr. Justice was assigned by Mr. Wilson, of Rutherfordton, and Mr. Gedney was assigned by Mr. Moore, of Cleveland; there were two cases. Mr. Gedney was a democratic lawyer, but I have heard of no threats against him. These things all convince me that it was because of his political opinion that the attack was made on Mr. Justice.

Question. You stated there were some women whipped.

Answer. Yes, sir.

Question. Were they whipped on account of politics?

Answer. I will state it in this way: that women were whipped, and when women were whipped, in every case with the exception of one, the man at the house voted for the republican ticket.

Question. Were the women whipped because they were republicans?

Answer. That I cannot answer; I can only make the statement that in every instance——

Question. You said they were women of low character.

Answer. Some of them were; others were of good character.

Question. The most of them were women of low character?

Answer. Yes, sir.

Question. What do you mean by women of low character?

Answer. I mean base women.

Question. Do you mean strumpets and unchaste women?

Answer. Yes, sir; of course women have been whipped who were not of that character.

Question. You say there were always men whipped at the same time?

Answer. No, sir; I have known women whipped when there were no men whipped at all.

Question. I understood you to say that men were whipped at the same time?

Answer. I said this, that when women were whipped the men who lived at the place were republicans. They have whipped one woman where there was no man at all.

Question. That was a woman of bad character?

Answer. Yes, sir.

Question. And men who were whipped at the same houses were generally of the same sort of character?

Answer. Sometimes that was the case.

Question. All the cases, in fact, of which you have spoken in your testimony, are those of which you have heard through other people, and you have given their version of it?

Answer. No sir; it is my own version of it.

Question. Were you present?

Answer. No, sir; but I mean in this way: the outrages that were being committed were being done nearly every week, sometimes twice a week, and perhaps there would be several committed in one night; and it being upon men of one political party, I formed my opinion about it.

Question. I asked you how you got at the facts; did you know any of the facts except from rumor and hearsay?

Answer. I know this; I have seen some five or six who had been whipped. I have seen their backs.

Question. Then you got the facts which you know from them?

Answer. Yes, sir.

Question. Was it their version of it and not your version which you have been telling us?

Answer. Well, I have been telling you my information.

Question. You have been telling a great many things as facts, and I want the committee to know if they are facts which you know?

Answer. When I commenced telling my understanding was ——

Question. You say it was your own version; now I want to know whose version you have given here?

Answer. I know it thus far ——

The CHAIRMAN, (Mr. POLAND.) If the witness saw the marks on the backs of the persons, he knew that personally.

Mr. BECK. Yes, he knew that; but who put them there, he did not know.

The WITNESS. I can give the names of some.

By Mr. BECK:

Question. I asked you whether what you say you know does not consist of what was said to you by others, and not of what you know personally?

Answer. All I know about it is this: That I have seen their backs and heard their statements of the matter. And then I have heard a great many witnesses swear in these cases. That is where I get my information.

Question. And the persons who complain of being outraged always deny having done anything wrong?

Answer. O, as a matter of course, if they had ever done wrong they would deny it.

Question. And they always do it?

Answer. Always do wrong?

Question. Always deny that they have done any wrong.

Answer. I think that is generally the case.

Question. And you are satisfied they would deny it, even if they had done wrong?

Answer. I think that would be natural.

Question. Do those who come to you generally come to you as one of the republican leaders in the county, and lay their complaints before you?

Answer. No, sir; they have generally gone to some of the lawyers, to Justice and others, though they talk to me, when I meet them, very freely about it.

Question. They want to have it understood always that they are republicans, and always talk to you as such?

Answer. No, sir; they have frequently come to me, and politics has not been mentioned. In fact, for the last six or eight weeks, when we have talked to these persons who have been abused, politics has not been brought in it at all. They know we all look at it as a political machine, and for that reason I hardly ever think to ask them about their politics. At first the question was agitated as to what the politics of the parties was.

Question. Was McGahey arrested?

Answer. No, sir.

Question. Was any effort made to arrest him?

Answer. I understand that there were four capiases out for him, and that men were deputed to watch for him.

Question. The affidavits of which you have spoken, the confessions of these Ku-Klux, are all before the United States commissioner?

Answer. No, sir; Judge Logan has them.

Question. He is judge of a State court?

Answer. Yes, sir.

Question. And your impression is that all who have made confession have admitted that they were engaged in perpetrating some of these outrages of which you have spoken?

Answer. No, sir, I did not say that; I said some of them admitted it.

Question. This paper to which your attention was called by Senator Pool says that some of those men were of too high character to be engaged in such things, and you said that was a falsehood?

Answer. That paper lumps them all together.

Question. Let me read what it says: "It is said that they deny all knowledge of any outrages committed, and that they were never concerned in any of them. From the character of some of them we are satisfied they are not of the class of people who can be justly charged with the commission of crime."

Answer. I know the paper says that. But it includes all who have made confessions in the denial of knowledge and of participation in the commission of crimes, does it not? That is the way I construed it.

Question. You say some have made confession of being in raids?

Answer. Some deny having been in any raid at all; some admit that they have been in several.

Question. What other article in this paper were you asked to look at?

Answer. It was one about trials in Mississippi.

Question. That is not an editorial article at all?

Answer. No, sir.

Question. It is a letter from a correspondent at Oxford, Mississippi?

Answer. Yes, sir.

Question. And is published in the paper without any comment?

Answer. I did not see any comment upon it.

By Mr. BLAIR:

Question. You stated that the result or the effect of these transactions was such that you believed if there was to be an election there now, or if there had been one a month ago, many of these persons would be afraid to vote?

Answer. I think a great many would be, and a great many who have not been abused at all.

Question. Would you be afraid to vote?

Answer. No, sir; I am not afraid to vote anywhere,

Question. Why do you suppose that other people would be more afraid than you are?

Answer. Some others are not located as I am; and some men are more timid than others.

Question. You assume that you are less timid than other men?

Answer. Less timid than some.

Question. You have always voted your political sentiments?

Answer. Yes, sir.

Question. You have always expressed your sentiments?

Answer. Yes, sir.

Question. And you have never been interfered with?

Answer. No, sir.

By Mr. BECK:

Question. You have about two white republicans to one democrat in your county?

Answer. I cannot say exactly; but I do not think there are that many.

Question. If you have 800 majority there you must have two to one?
Answer. I was speaking of the majority in 1868, on the convention question.

By the CHAIRMAN, (Mr. POLAND:)

Question. There seems to be some little confusion in regard to this McGahey and Biggerstaff affair. After this attack had been made on McGahey's house, he got Aaron Biggerstaff and others to start out with him in pursuit of the parties?
Answer. Yes, sir.
Question. And when they got near Sam. Biggerstaff's house, you say McGahey ran ahead of the party?
Answer. Yes, sir.
Question. And he either opened the door, or broke in the door, and fired a gun into the house of Sam. Biggerstaff?
Answer. Yes, sir.
Question. How far away from the house, at the time, do you understand the rest of the party were?
Answer. They seemed to be scattered; some went inside the lot, and perhaps one or two men got on the porch of the house; but the most of them remained at the gate.

By Mr. BLAIR:

Question. How far is that from the house?
Answer. I think they give it as fifty or sixty yards, but I will not be positive; it might have been a little farther.

By the CHAIRMAN, (Mr. POLAND):

Question. Immediately upon McGahey firing into Sam. Biggerstaff's house, did the rest of the party remonstrate against it?
Answer. That is what they said.
Question. Is that denied by anybody, or does anybody say that any one had anything to do with firing into Sam. Biggerstaff's house except McGahey?
Answer. I do not think it is alleged that anybody else fired but McGahey.

By Mr. BLAIR:

Question. Did you not state just now that there were two guns fired?
Answer. Some said there were two shots fired, and others said only one.

By the CHAIRMAN, (Mr. POLAND:)

Question. Had the rest of the party anything to do with McGahey's firing into Sam. Biggerstaff's house?
Answer. I think not; that is their statement.
Question. Have you ever heard any evidence or any claim that anybody else in the party had anything to do with firing into Sam. Biggerstaff's house?
Answer. No, sir; one or two of them, I do not remember which number, went to the porch, and after the firing perhaps they went into the house, after the thing had quieted down.
Question. Do you understand that the rest of the party disapproved of the firing into the house, and reprobated it at the time?
Answer. I think they did, that they disapproved of it.
Question. And they refused to go any farther with him that night for that reason?
Answer. That is what they said.
Question. Do you know where Aaron Biggerstaff was at the time McGahey fired into the house of Sam. Biggerstaff?
Answer. My understanding is that he was in the lane.
Question. How far from the house?
Answer. Some sixty yards, I think; it might be more or less.
Question. As you understand it, this firing into the house was done by McGahey, and was done without the approbation of the rest of the party?
Answer. Yes, sir; that is the way I understand it.
Question. And they refused to go any farther with him in consequence of that act of his?
Answer. That is my understanding.
Question. And they then returned to their homes?
Answer. Yes, sir.
Question. And the second day after that, you say that McGahey went in pursuit of De Priest? I see that Mr. Blair in his questions will have it "the next day," but you say it was the second day.
Answer. Yes, sir; I think it was the second day.
Question. The second day McGahey went in pursuit of De Priest, called him out of the house and shot him?
Answer. Yes, sir, he did so; I understand it was the second day after.
Question. Did you understand that anybody went with him at that time?

Answer. No, sir.

Question. Did you ever understand from anybody that Aaron Biggerstaff had anything to do with getting McGahey to shoot De Priest?

Answer. No, sir; I never heard anything more than what was said at the time of the attack on him.

Question. Since that they have got up a sort of rumor of that kind?

Answer. Yes, sir; they use it in that way. I have not heard that it was spoken of even frequently at all by De Priest's friends; but I know he was accused of having something to do with it in some way.

Question. You do not understand that anybody ever claimed that Aaron Biggerstaff went with McGahey when he shot De Priest?

Answer. He was not with him; the day De Priest was killed, Aaron Biggerstaff was at the village.

Question. At Rutherfordton?

Answer. Yes, sir; some ten miles from there.

Question. And McGahey very soon after that left the country?

Answer. Yes, sir; I do not know how long he remained in the country after that.

Question. When was that transaction?

Answer. Last February was a year ago, I think.

Question. And it was a considerable time after that before anything further was done?

Answer. Yes, sir; it seemed to be calm in our county, unless perhaps down on the Spartansburg line. It was rumored that some negroes were whipped down there; I do know whether that was so or not.

Question. But this attack on Aaron Biggerstaff was almost a year afterward?

Answer. Just about a year, I think; not far from a year.

By Mr. POOL:

Question. Had there been a great many outrages committed in your county before this first attack on Aaron Biggerstaff?

Answer. Yes, sir.

Question. State whether the main body of the outrages that have been committed in Rutherford were committed before Biggerstaff was attacked?

Answer. The most of them were, I think; there have been several since.

Question. Have you ever heard it alleged that any of those outrages had any connection, directly or indirectly, with the Biggerstaff matter?

Answer. No, sir; I do not think that allegation was ever made.

Question. Was it ever alleged by anybody of any party?

Answer. No, sir.

Question. Is it alleged by anybody in Rutherford, that the attack upon Mr. Justice was caused by his taking part with Mr. Biggerstaff?

Answer. No, sir; I think not.

Question. Has anybody ever alleged that at all?

Answer. Not that I know of.

Question. You say that when Biggerstaff was whipped, among other things they told him, one thing they told him was that he was a radical?

Answer. Yes, sir; they told him he was a radical.

Question. You say it has since appeared that this man De Priest, who was killed, was a chief of a camp?

Answer. I did not see the affidavits, but Judge Logan remarked to me that they went to show that this Decatur De Priest, who was killed by McGahey, was the first chief in the county. I asked him if the proof was positive as to that, and he said that it came through the confessions of one of them—through a chief; that is the way the evidence comes.

Question. There is still a De Priest who is a chief in that county?

Answer. Yes, sir; he knows that fact, and he knows a great many things.

Question. Is the present De Priest a relative of the De Priest that was killed?

Answer. He is a cousin. He has not made a full confession. He told me and Judge Logan and several others that he had a great deal to tell, but that he was excited then; when he got cool he would tell it all.

Question. Was not the whole of this Ku-Klux outraging, up to the time that Biggerstaff was attacked, viewed in your county as political?

Answer. Yes, sir.

Question. Did anybody deny its political aspect?

Answer. I think the press there and the leaders of the conservative party, or the democratic party, would argue at one time that it was not political. But they do not pretend to do it now, or at least I have not heard for some time of their doing it.

Question. They did argue for a while that it was not political?

Answer. Yes, sir; but I do not think they pretend to do it now.

Question. Do you know whether at or about the last term of your superior court in Rutherford, some time in March or April——

Answer. In March.

Question. Was there any threat, or any prediction, from any source, that Rutherfordton was about to be placed in a worse condition than it had been, by a visitation of these Ku-Klux?

Answer. I heard it stated there, as coming from what you might call one of the leaders of the party—I can give his name, for I suppose I might as well do so.

Question. Give it.

Answer. It was Major Lee. He did not tell it to me, but he told it to others; that Rutherford County would certainly suffer more than any other county in the State, on account of its republican majority being so large.

Question. Was that about the time of your last court?

Answer. The last March court.

Question. Is Sam. Biggerstaff a democrat?

Answer. I suppose so; he votes that ticket; at least I never saw him vote, but he is so regarded by the public.

Question. You said you had in your possession one of the affidavits that have been taken lately?

Answer. Yes, sir.

Question. Who made it?

Answer. John B. Harrill.

Question. Is Mr. Harrill one of the men implicated in the raid on Justice?

Answer. Yes, sir; but I suppose he was not in it.

By Mr. BLAIR:

Question. How do you know he was not in it?

Answer. From his statement and from the affidavits of others.

Mr. POOL. I want this affidavit read and put in evidence.

[The paper was read, being what purported to be a copy in part of an affidavit.]

The WITNESS. I intended to get the seal of the clerk of the court on this paper, but I came away and forgot it.

Mr. BLAIR. I object to this paper being incorporated with the testimony, on the ground that it does not contain the whole affidavit.

The CHAIRMAN, (Mr. POLAND.) It seems to me to be the safer way not to take a part of an affidavit.

Mr. POOL. I think so myself; I supposed it was the original affidavit, and the whole of it.

By Mr. BLAIR:

Question. Did not the parties who outraged Mr. Justice, when they took him out, upbraid him for the severe language he had used in the different trials in which he had appeared as counsel; and did they not allege that as the cause of their treatment of him?

Answer. I suppose he used language in different ways; I suppose they brought that to his notice.

Question. Especially in regard to the Biggerstaff case?

Answer. What Justice told me in regard to it is all that I can state; I thought you meant that it was made a personal matter with Justice. The language they complained of his using was not made in the Biggerstaff case, but in the Webster case. I believe the raid on Justice had something to do with appearing and prosecuting two of them. But I do not confine it to the Biggerstaff case; but it was because he holds the position he does, and the political principles he does, and then taking an active stand on this thing; those were all causes of the raid on him.

Question. In prosecuting these individuals?

Answer. Yes, sir.

By Mr. POOL:

Question. The language to which the attention of Justice was called, of being in favor of hanging leaders, was used in the Webster case?

Answer. Yes, sir.

Question. It was not connected with the Biggerstaff case at all?

Answer. No, sir. My impression is that his connection with the Biggerstaff case was spoken of by those who attacked him that night, and that he was upbraided for his connection with it.

Question. And in the same connection they agreed that if he would tell them where Biggerstaff was they would release him?

Answer. Yes, sir, on condition that he would not swear against any of them.

Question. That he would not appear against them?

Answer. That he would not appear as a witness against them, and be a good fellow hereafter.

Question. And that he would deliver Biggerstaff up to them?

Answer. Yes, sir, certainly.

Question. That was in connection with the statement in regard to his having taken part with Biggerstaff, or appeared in his behalf on the trial?

Answer. I do not know that Justice told me that they mentioned to him about his prosecuting for Biggerstaff. They spoke in a general way about his appearing against their party; that is the way I understood it from him.

Question. You do not understand that the Biggerstaff case was singled out?

Answer. No, sir; that was not my understanding, though Justice told me of the condition that he could get off, that is, if he would show them where Biggerstaff was.

Question. How many of these men charged with thus Ku-Kluxing in your county have run away in the last two or three weeks?

Answer. I cannot tell you how many have run away.

Question. How many are keeping out of the way?

Answer. From ten to fifteen, perhaps more; I do not know; I think perhaps I could mention that many.

Question. You said that this Mr. Shotwell, formerly the editor of a democratic paper there, was keeping out of the way in the woods, and that you have heard that he had been arrested since?

Answer. That is my understanding.

Question. Give the names of some of the men who are still keeping out of the way.

Answer. Ladson A. Mills, jr., is one.

Question. He has run away, has he not?

Answer. I heard in Charlotte, as I was coming through, that he had gone to Mississippi.

Question. Are there any others?

Answer. Ambrose Mills, William Webster, John Goode, McBrayer, a young man by the name of Thorn, Gaither Trout, G. W. Trout, James Williams—I will state here that I do not know positively that these men are out of the county, but they are keeping out of the way.

Question. None out of the county except young Mills?

Answer. I have heard of others leaving; I have heard of two others who have gone to South Carolina; whether they have gone off entirely or not I do not know. James Edgerton is also keeping out of the way; Isaac Padgett, Logan Hampton, and a man by the name of Long; I believe these are all I can think of just now.

WASHINGTON, D. C., *July* 22, 1871.

JOHN B. HARRILL sworn and examined.

The CHAIRMAN, (Mr. POLAND.) As this witness is summoned from North Carolina, to testify in regard to local matters with which Senator Pool is doubtless more conversant than I am, I will submit the witness to him for examination.

By Mr. POOL:

Question. State where you reside.

Answer. In Rutherford County, North Carolina.

Question. How long have you lived there?

Answer. I have lived ever since I was born in that county, within five miles of Rutherfordton.

Question. What is your age?

Answer. I am going on twenty-three years; I shall be twenty-three the 25th day of next December.

Question. What political party have you been acting with?

Answer. I belonged to what they call the Invisible Empire of America.

Question. Do you belong to the republican or the democratic party?

Answer. The democratic party. That is the way I voted at the last election.

Question. State whatever you may know in regard to the preservation of law and order, the safety of life and property, in the county of Rutherford for the last year. Has the county been orderly? Have there been any outbreaks of any sort?

Answer. Yes, sir; there has been right smart of outbreaks within the last five or six months in that county.

Question. Of what character?

Answer. People being whipped out—breaking down their doors, and taking them out of their houses and whipping them.

Question. What sort of people principally—colored or white?

Answer. Some of both.

Question. Have these things been done principally by men in disguise?

Answer. Yes, sir.

Question. By bands of men?
Answer. Yes, sir.
Question. You said you were a member of the Invisible Empire of America?
Answer. Yes, sir.
Question. What is the business of that order? What connection has it with these outrages, if any?
Answer. That was the name that we called ourselves—what people call the Ku-Klux. What they called themselves is the Invisible Empire of America.
Question. You say you were a member of it. When did you join it?
Answer. The first Sunday in February.
Question. How came you to join it?
Answer. There was a man got at me to join it; he asked me if I liked this and that and the other, and got me to join.
Question. Who was that man?
Answer. Richard Martin.
Question. What did he tell you?
Answer. He told me there was no harm in it; that it was to see how strong the conservative party was, so that they could carry their points; and he said there was nothing to be done That was what I thought until after I got into it. When I got into it, I found there was something else.
Question. Was he a democrat?
Answer. Yes, sir.
Question. A man of property in that county?
Answer. He lives in Cleveland County; he is a young man about twenty-five years old; he lives with his father.
Question. Is his father a man of standing and influence in Cleveland County?
Answer. Yes, sir; he is.
Question. A man of wealth?
Answer. Well, he is about as well doing a man as any there are in that country there.
Question. How far do you live from the Cleveland line?
Answer. About eight or nine miles.
Question. Did he tell you where you should go to join?
Answer. He swore me in himself.
Question. Right there?
Answer. Yes, sir; one Sunday, at preaching.
Question. Without going to a camp?
Answer. Yes, sir.
Question. Did he give you the signs and pass-words?
Answer. Yes, sir.
Question. Did you ever attend a meeting of the camp afterward?
Answer. Yes, sir.
Question. Where was the first meeting you attended?
Answer. It was close to the Burnt Chimneys; the place was not named at all particularly.
Question. How long after you were sworn in before you attended a meeting?
Answer. Well, it was not long. A man by the name of Jesse De Priest was the chief. After he found out I was in, he had a meeting; I did not know anything about it, and I went to his meeting.
Question. Did he notify you there would be a meeting?
Answer. Yes, sir.
Question. And you attended?
Answer. Yes, sir.
Question. Was De Priest present at that meeting?
Answer. Yes, sir. He is the chief.
Question. Did he preside over the meeting?
Answer. Yes, sir.
Question. How many men were there?
Answer. Six or eight men; there was but a few that night.
Question. Was anything done that night? Did you have any discussion about anything? Were any propositions made?
Answer. I do not recollect; I do not think there was anything said about doing anything that night. It was a new thing round there, anyhow, then.
Question. Were any members initiated that night?
Answer. Yes, sir; there were two or three initiated that night.
Question. Who administered the obligation to them?
Answer. Jesse De Priest.
Question. Did he give them the signs and pass-words?
Answer. Yes, sir.
Question. Was the obligation the same that had been administered to you?
Answer. Yes, sir; the same thing.

Question. Were the signs and pass-words the same that had been communicated to you?

Answer. Yes, sir.

Question. You attended meetings of camps afterward?

Answer. Yes, sir.

Question. Did you see persons initiated afterward?

Answer. Yes, sir; I saw a good many initiated.

Question. Were the obligations and signs the same?

Answer. Yes, sir; I reckon I saw as many as fifty, or maybe one hundred, initiated.

Question. What was the purport of the obligation administered to you?

Answer. The oath?

Question. Yes, sir.

Answer. Well, it denounced the radical party, and all such as that; it was to put up the conservative party, and break down the radical party.

Question. Was anything said about the means by which that was to be accomplished?

Answer. Well, if they could not do it in one way they would do it in another. If they could not do it by whipping about, they were going to kill some of the leading men.

Question. Was there an obligation that bound you to secrecy?

Answer. Yes, sir; if we divulged anything it was death.

Question. Death how?

Answer. By the hands of a brother—"death, death, death, at the hands of a brother." That is the last of the oath.

Question. Was there anything in the obligation about obeying your officers?

Answer. Yes, sir; we were sworn to obey all orders given from our chiefs in all respects.

Question. Do you remember the oath well enough to repeat it?

Answer. No, sir; I do not know all of it. I never had anything to do with swearing in, and I never paid any attention to the oath particularly.

Question. You mean except the substance of it?

Answer. Yes, sir.

Question. Can you repeat any part of it?

Answer. When they commence it they say: "I do solemnly swear in the presence of the great high and immaculate God of heaven and earth—I do with my own free will and accord take upon myself the following obligations." I don't know the next verse.

Question. Is there any other part that you can repeat?

Answer. In the oath we were bound to protect widows and their households, and orphans. If I had been a mind to I could have got that oath; but I never thought of the oath nor anything that way.

Question. Is the form of the oath printed or written?

Answer. They are generally written.

Question. Was any explanation or lecture given to you explaining the oath?

Answer. There was not very much; he talked sometimes.

Question. What did he say was the object of the concern?

Answer. To denounce the radical party; if we could not do it in one way, to do it in another.

Question. How many camps were there in your county?

Answer. I cannot tell you; there were a good many of them.

Question. Did you call them camps?

Answer. We called them dens.

Question. What was the highest officer in your county called?

Answer. The grand chief of the county.

Question. What was the next officer in command called?

Answer. They then just dropped down to a common chief in our county.

Question. A chief of a camp?

Answer. Yes, sir.

Question. Was there any officer above the chief of the county; any officer of the district?

Answer. Yes, sir; they said that Durham and McAfee were the grand chiefs and cyclops. Plato Durham, and, I think, McAfee were the cyclops, as I understood.

Question. What did Durham have to do with it?

Answer. I think he was the chief of Cleveland County, and McAfee was the grand cyclops of the district, I think.

Question. Did you have a chief for the State?

Answer. Yes, sir; a man at Charlotte; I have forgotten his name.

Question. Jones?

Answer. Yes, sir; Jones was his name.

Question. Was he said to be chief in the State?

Answer. Yes, sir.

Question. Hamilton Jones?
Answer. Yes, sir; Ham Jones, I believe, they called him.
Question. Was there any officer under your county chief—second in command to him?
Answer. No, sir; not under the county chief.
Question. He had command of the den?
Answer. Yes, sir.
Question. How many dens were there in your county?
Answer. I cannot tell you exactly, there were so many of them.
Question. Do you know any other chiefs in your county besides those you named?
Answer. Yes, sir; Madison McBrayer was one; then there were Elias Hambrick, John Witherow, William Webster, and Mac Deck. I have heard that Bill Edgington is another.
Question. Did you have a general chief of the county over the others?
Answer. Yes, sir.
Question. I believe you said he was called the cyclops?
Answer. No; the grand chief we call him.
Question. Who was he?
Answer. Randolph Shotwell.
Question. Was he the editor of the Rutherford Star?
Answer. The Rutherford Vindicator was the paper he had some connection with.
Question. Where is he now?
Answer. He is in jail.
Question. At Rutherfordton?
Answer. Yes, sir.
Question. You say he was the grand chief of the county?
Answer. Yes, sir.
Question. Did you meet in disguise in these dens?
Answer. Yes, sir.
Question. Where did you disguise yourselves?
Answer. We just disguised ourselves on the head; some had gowns, and a heap of them did not, but just a disguise for their heads.
Question. You put your disguise on before the den met?
Answer. Yes, sir.
Question. You did not go into the den without disguise?
Answer. Some did; some did not.
Question. What did you do with your disguises in the day-time?
Answer. We kept them hid.
Question. How many belonged to your den?
Answer. I believe about thirty-five, between twenty-five and thirty-five; somewhere along there.
Question. Did you go there armed?
Answer. Sometimes. Those that had arms took them; they generally had repeaters.
Question. Were you ever at one of these meetings when it was decided upon to go on a raid?
Answer. Yes, sir.
Question. State the particulars of the first case when there was a raid proposed?
Answer. There was a raid proposed—I never was on but two—to go on an old negro's place, over about four miles from where I live, and give him a little brushing out.
Question. Who proposed it?
Answer. The crowd. I don't know which of them now; some one of the den proposed it. I believe it was George Dogwood, as we called him.
Question. Was the proposition discussed?
Answer. No, sir; it was just talked. We had not had a den long where we lived. A parcel just went themselves that night.
Question. Were they members of your den?
Answer. Yes, sir; of course.
Question. Did they go disguised?
Answer. Yes, sir.
Question. What did they want to go after that negro for?
Answer. They said he had been running after some white women over there.
Question. Did you go with them?
Answer. Yes, sir.
Question. What did you do?
Answer. They gave him about twenty-five lashes.
Question. Did you find him at his house?
Answer. Yes, sir.
Question. How did you get him out?
Answer. They just took him out; pulled down the door, I believe, and took him out about twenty-five or fifty yards from his house.
Question. Did you strip him?

Answer. He was already stripped; he had on his shirt.
Question. Did you take that off?
Answer. No, sir.
Question. What did they whip him with?
Answer. They whipped him with switches; they did not hurt him bad.
Question. Was anything else done that night?
Answer. No, sir; nothing else was done that night.
Question. What time of the year was that?
Answer. It was in April, I believe—March or April.
Question. State any other meeting at which you were present?
Answer. They went back on him the Thursday night afterward and gave him about twenty-five more.
Question. How came you to go back a second time?
Answer. They heard of him talking of swearing to some men that were not there, and they went back and gave him his orders, and gave him another little brushing out.
Question. What sort of orders did you give him?
Answer. Orders never to swear to any men; that if he did they would kill him; and I believe some of them told him that if he went to the election it would be death; or something that way.
Question. Was there any obligation in your den that you were to help each other or stand by each other?
Answer. O, yes, sir; we were to swear for them, to help them in distress, and everything that way. We were to assist a brother in distress.
Question. Do you mean that you were to swear falsely in court for them?
Answer. Yes, sir.
Question. To get them clear?
Answer. Yes, sir.
Question. Was there anything in the obligation in regard to releasing them from prison when confined there?
Answer. Yes, sir; that was talked of.
Question. State any other meetings that you had when there was anything done.
Answer. That was all the meeting I was ever at. I was on one raid afterward. About three weeks after that I went with another den to another darky's house.
Question. Whose den was that?
Answer. Webster's den.
Question. Was the proposition made to go after that negro?
Answer. Yes, sir. They sent our den word for some of us to go. They wanted dens from other settlements to go to the settlement where it was to be done; to change the thing, so that they would not know them.
Question. So that the men engaged in the raid would not be known?
Answer. Yes, sir.
Question. You went from your den?
Answer. Yes, sir.
Question. Did you go of your own accord, or were you sent?
Answer. We were ordered to go from the den. They sent for me to come—that crowd did down there.
Question. Did you meet them?
Answer. Yes, sir.
Question. How many were present?
Answer. About thirty-five.
Question. Was anybody that belonged outside of your county in that meeting?
Answer. No, sir; not that I know of; I don't think there was.
Question. What did you do on that raid?
Answer. They went to a negro girl's house, and gave her about fifteen or twenty lashes for fighting with a white man.
Question. What else?
Answer. They took the old man out about a hundred yards from the house and told him to run for his life, and then commenced shooting after him to scare him. That was all that was done.
Question. Did the old man have his clothes on?
Answer. He had his drawers and shirt on.
Question. Were you ever on any other raids?
Answer. No, sir; they were all the raids I was ever on. I knew when the town raid was going to be made.
Question. State how you knew it, and who proposed it?
Answer. I went to town the Friday before, and Shotwell took me in a room and told me all about it. I heard it as I was going to town. There was a young man coming over from Webster's to Shotwell to get orders how to do, where to meet them, and all about it.
Question. He told you about it before you got to town?

Answer. Yes, sir.

Question. When you got to town, where did Shotwell take you?

Answer. Into one end of John May's store.

Question. Was anybody present besides you and him?

Answer. No, sir.

Question. What did he tell you?

Answer. He told me that they were going to make a raid on the town on Sunday night, and he told me he wanted me to go.

Question. What did he say was going to be done?

Answer. He said they were going to take Jim Justice out and kill him, and burst up the Star office and kill old Biggerstaff.

Question. What were they going to do that for?

Answer. Well, it was political. I don't know what it was done for. I reckon because they hated Jim Justice.

Question. Do you know whether that had been decided on in camp—whether any den had decided about it?

Answer. I don't know, sir; I guess they had; I guess Bill Webster was as much to blame as Doctor Shotwell was.

Question. Were you in that raid?

Answer. No, sir; I was not in it.

Question. Why did you not go?

Answer. I did not want to go, and I told my daddy about it just about an hour before I was going; he said he would do anything to me before he would have me go into such an arrangement as that. My father belonged to it.

Question. How old a man is your father?

Answer. About forty-seven years old.

Question. He told you you must not go?

Answer. Yes, sir; and he tried to pursuade Gaith Trout to not go. He was against any raiding that ever was to be done. He got into it, and after he got into it he said that if they ever had any raiding or whipping to do he was done with it.

Question. Did Trout go on that raid?

Answer. Yes, sir.

Question. Give us the names of some who were on that raid?

Answer. I can tell you a heap that have told since then that they were on the raid.

Question. You may state anything that has been told to you since, if you believe it to be true.

Answer. Washington Trout was on it.

Question. State everything he told you about it.

Answer. He just told me the next day that he was on it, and told me what they had done. He said he was one of the ones that kept them from killing Jim Justice.

Question. What else did he say to you about it?

Answer. He did not talk to me much about it.

Question. Did you hear others talk about it?

Answer. I have since that heard two of my cousins, two of the Fortune boys, who were along on the raid, talk about it.

Question. What did they say about it?

Answer. They did not say much about it, only that they were along on the raid. They said some of them had taken Justice out about half a mile from town.

Question. How many camps or dens were engaged in that raid?

Answer. I cannot tell you hardly. They said there were about forty or fifty men along from South Carolina that night. I knew that Webster had gone to South Carolina to get men to go to town.

Question. Webster was chief of a den?

Answer. Yes, sir.

Question. And they said that there were forty or fifty South Carolina men along?

Answer. Yes, sir.

Question. Give us some of their names, if you know them.

Answer. They said there were three of the Kemp boys along—three of Solomon Kemp's sons; I don't know their given names. They were from South Carolina, close to Limestone Springs.

Question. State anything you have heard in regard to that matter from anybody.

Answer. I have heard it talked that they were going to take Jim Justice, and George Logan, and Beatty Carpenter, if they could get a chance to do it.

Question. Did you ever hear that talk in camp?

Answer. Yes, sir; most of the men were against that, but whenever the orders came from the chief they had to obey.

Question. When a proposition was made in camp to do anything, was it put to a vote?

Answer. In a general meeting it was, where they were organized right. No, sir, I am wrong, it was not put to vote; there was a committee appointed and they decided upon it.

Question. Did they report to the camp?
Answer. Well, it was done right in the camp of a night, publicly, before all the men.
Question. Did you ever receive any orders to go anywhere on a raid?
Answer. No, sir, I never did; only what Shotwell told me that day.
Question. Did you ever receive any orders to go on any other raid than that town raid?
Answer. Only just to go down to the Webster den.
Question. Who were the leading men in this thing in your county, the men of most influence?
Answer. Shotwell and Webster. Webster is a mighty bad fellow, too.
Question. Were there any republicans belonging to your den?
Answer. Well, there were some that had been voting that way, a good many.
Question. Did they vote the republican ticket after they belonged to the den?
Answer. There has not been any voting done since I went into it. I guess, in fact I know that they would vote for the conservative men. A great many men are scared into it.
Question. Suppose that a man belonging to the den were to vote the republican ticket?
Answer. I don't know what they would do with him.
Question. Would it be against the rules of your den?
Answer. Of course it is.
Question. Were there any colored men in your den?
Answer. None in our den.
Question. Were there any in any other den?
Answer. Not that I know of.
Question. Did you ever know a democrat in your county to be attacked by these men?
Answer. Well, I never did. They whipped one party one night over there toward Polk County—close to Polk County.
Question. What for?
Answer. He had been telling something.
Question. Telling the secrets?
Answer. Yes, sir; or they thought he had. Then they whipped Downey the night they went to town.
Question. What for?
Answer. They thought he had been telling something.
Question. Do you know of any operations during your last superior court?
Answer. I heard there were a great many men sworn in; I don't know it to be so; a party told me so.
Question. Do you mean that members of your camp told you?
Answer. Yes, sir; that a great many men were sworn in at the superior court.
Question. It has been stated in evidence that some operation was noticed as going on during court week. Was there any change in your oath, or anything of that sort, at that time?
Answer. No, sir; if there was I did not know it.
Question. Who were active in swearing in men at that time?
Answer. Some said Durham was, and there was a man from Gaston, down there, an Irishman; they said he swore in some.
Question. What was his name?
Answer. Gatons.
Question. What was his business?
Answer. He was peddling.
Question. They said that Mr. Durham helped to swear in men?
Answer. Yes, sir; that is what they said.
Question. Do you suppose that it is true?
Answer. I expect it is so.
Question. Why?
Answer. I thought all the time that he belonged to the order, and he talked to me one day about it, and I know he belongs to it.
Question. What did he say to you?
Answer. He told me that this radical party had to be put down in some way or another, and said that if they could not do it one way they would have to do it another.
Question. Did he say anything to you about this Invisible Empire?
Answer. We were talking about the party. He knew I was in, and I had been told he was. I gave him a sign and he gave it back to me.
Question. He answered your sign?
Answer. Yes, sir.
Question. You do not mean to say that he advised any raids, or anything of that sort?
Answer. No, sir. He lives in Cleveland, and I live in Rutherford. He said that Beatty Carpenter, George Logan, and them fellows, must be killed if they did not stop their taking up men and doing the way they were doing.

Question. How had they been taking up men?
Answer. They were the leading men of Rutherford; they were taking up men that had been sworn to.
Question. You mean there had been arrests by United States commissioners?
Answer. Yes, sir.
Question. They were attending to those trials?
Answer. Yes, sir.
Question. Was it during court week that Durham said this?
Answer. Yes, sir; I met him on the road. I was going to Shelby.
Question. How long ago?
Answer. It was in court-week.
Question. Last spring?
Answer. Yes, sir.
Question. You met him on the road?
Answer. Yes, sir. He was going up to court.
Question. That was before he got to court?
Answer. Yes, sir.
Question. You mentioned Mr. McAfee's name just now. Was he at court?
Answer No, sir; I don't think he was; if he was I did not know it.
Question. Did you ever talk to any other man from Cleveland about this matter?
Answer. Yes, sir; I have talked to a great many about it. I have talked to Mr. Elliot. He is an uncle of my father. He is a chief in Cleveland.
Question. What did he say?
Answer. He talked to me a good deal; but I cannot tell all he did say.
Question. Tell all you recollect.
Answer. He told me they would help us out in Rutherford any time they were called for to do anything; and he told me that McAfee was the cyclops, and Durham was the grand chief of the county.
Question. Is Mr. McAfee a member of the legislature from your county?
Answer. He has been; he may be now.
Question. What else did Mr. Elliot tell you about the organization in that county? Did he tell you anything about any raids that there had been?
Answer. No; I don't believe he did. Mr. Cabaniss told me about being on a raid on a negro one night, and told me about the negro being hit on the back of the head with a musket, and being stunned for a while. They burned his books that night. He had a great many books. He had a good education, they said.
Question. The negro?
Answer. Yes, sir.
Question. They burned up the negro's books?
Answer. Yes, sir.
Question. What did they do to him?
Answer. He got away from them; they would have killed him if they could have got him; they allowed to do it afterwards.
Question. Did they get him afterwards?
Answer. No, sir; not unless they have done it since I left.
Question. Did you learn how many camps there were in Cleveland County?
Answer. A great many.
Question. Have you heard of many outrages in Cleveland?
Answer. Yes, sir; I have heard of a great many, but I don't recollect now who told me about them?
Question. What sort of outrages?
Answer. I have heard of some men being killed.
Question. Have you heard of any being whipped?
Answer. Yes, sir; of a great many being whipped.
Question. Within what time?
Answer. There has not been so powerful much done within the last four or five months. They have been going on there for the last three years.
Question. What is the sign of recognition? How is it given?
Answer. The sign by which you recognize anybody is this: [witness touches his head above the right ear with the right hand.] If the other man is one he will return it in this way: [witness, with the left hand, touches his head above the left ear.]
Question. Have you any other sign of recognition?
Answer. Yes, sir; they will say to one, "Have you a pin?" and he will look at his coat collar in this way, [witness touches the right lapel of his coat with his right hand,] and the other party will return it with his left hand. Another sign is this: [witness puts the fingers of his right hand in the right pocket of his pantaloons, the thumb being outside.] The other will return the same sign with his left hand.
Question. Can you repeat any of the pass-words?
Answer. When a man is in distress he will say, "Avalanche." At night the sign if they meet anybody is to say, "I s,a,y;" and the other will answer, "N,o,t,h,i,n,g."

Question. How many men do you suppose belong to this organization in Rutherford County?

Answer. I guess about three hundred in that county. I expect there are six or eight hundred in Cleveland.

Question. Have you any idea how many there are in the whole State; has anybody ever told you?

Answer. I don't recollect whether they have ever told me or not. I have heard there was about eight million in the United States.

Question. Was there any other pass-word?

Answer. I don't know as there was.

Question. Do you know where these men got their arms?

Answer. They just bought them from the stores, just wherever they could get them. I heard that Smith Wood's den—that is, I believe, in the upper edge of Cleveland, adjoining Rutherford, on Broad River—had sent off to New York for one hundred sixteen-shooters.

Question. Have you ever received any arms in that county from South Carolina?

Answer. No, sir; if we have I did not know it.

Question. Do you know anything about where those South Carolina men got their arms?

Answer. No, sir, I don't; I heard some men say that they had taken some from the Government at some place there in South Carolina; that they had captured some arms out of the depot one night.

Question. Do you know anything about the turning loose of those prisoners at Marion, a week or two ago?

Answer. No, sir; I do not. I have heard from the other boys something about it; I don't know it of my own knowledge.

Question. What did the boys tell you about it?

Answer. The Whiteside boys went along; and they said, I believe, that Jonathan Whiteside found two horses, and that Dr. Tom Edgington let some of them have his repeater.

Question. How came they to turn those men out of jail?

Answer. Because they belonged to the order.

Question. Was it decided upon in camp?

Answer. I guess it was; I don't know it of my own knowledge; I have heard so.

Question. Marion is in McDowell County?

Answer. Yes, sir; they rode twenty-two miles and back that night.

Question. How many men do you suppose have been whipped in Rutherford County within the last five or six months?

Answer. Well, I don't know; there has been a right smart little pile of them—I don't know exactly how many.

Question. Can you not guess at it?

Answer. There has been from five to twenty-five—along there somewhere—may be five to thirty.

Question. Whipped?

Answer. Yes, sir; there has been no person killed by the party, as I know of, in our county.

Question. Do you know anything about the McGahey matter?

Answer. I have heard something about it. One of my cousins told me the other day that they had him in jail, and that he got out, and he told what he knew about it; and then I heard all they told about it. He was in it.

Question. Was he concerned in the McGahey raid?

Answer. Yes, sir; he was in the first raid that was ever made in the county.

Question. What did he say about it?

Answer. He said they went along and went to McGahey's; what they did he didn't say. They did, I guess, what they were accused of—whipped the woman. Young DePriest, that McGahey killed, was along that night.

Question. Were they members of this Invisible Empire?

Answer. Yes, sir.

Question. Do you know anything about the White Brotherhood?

Answer. Well, it is all the same thing.

Question. They are generally known as Ku-Klux?

Answer. Yes, sir; they are generally called by the name of Ku-Klux. The name "Invisible Empire" was so that when they swore in court they could swear that they never belonged to the Ku-Klux; that they never knew a Ku-Klux, or anything in that way. That was what they were called the Invisible Empire for.

Question. How many men belonging to this organization have been arrested in your county by United States authority?

Answer. I expect there are from fifty to one hundred.

Question. Have any of them confessed?

Answer. About seventy-five, I guess, have confessed.

Question. Do you mean they have made confessions to the officers?
Answer. Yes, sir.
Question. Have their confessions been taken down in writing?
Answer. Yes, sir.
Question. Have you made any confession to the officers?
Answer. Yes, sir.
Question. Before the judge?
Answer. Yes, sir.
Question. Was it taken down in writing?
Answer. Yes, sir.
Question. Why have those seventy-five men made a confession?
Answer. Because they wanted to get out of it and quit it, I reckon.
Question. Did they become frightened at the operations of the Government in having them indicted, arrested, and prosecuted?
Answer. Well, I expect they did; I cannot tell. But they wanted to come out of it. I heard a heap of men say that they would give anything in the world to be out of it, two days after they went into it. I heard that before anything was done about Rutherfordton.
Question. Was that because they did not like the oath that was administered to them?
Answer. Yes, sir—and the way they were doing—whipping men and so on.
Question. Have there been any school-houses burned in your county?
Answer. I do not recollect hearing of any school-house being burned. I heard of a negro meeting-house being burned.
Question. Who did that?
Answer. I don't know who did; it was done before I got into it.
Question. These men in your county who have not been arrested—are they afraid of being arrested now?
Answer. Yes, sir, a good many of them have run away.
Question. Have any of the prominent men, men of standing and property, run away?
Answer. Well, the boys have. Tom Edgington is gone; it is so stated.
Question. What did he run away for?
Answer. He belonged to it; and it was about aiding and assisting in the Marion raid.
Question. Who else has run away?
Answer. Gaither Trout and Washington Trout. They were on the town raid; and I think that was what made them run away. Madison McBrayer has run away, and Richard Martin, of Cleveland County, has gone, they say. Richard Martin was the man that swore me in.
Question. What sort of a man is he?
Answer. A man who is very well thought of in Cleveland. His father is a well thought of man in that county.
Question. What was Richard Martin accused of?
Answer. A darkey ran away from Cleveland County, and came up there and swore that Martin helped whip him. I don't know that he is accused of anything else. Three of the Hunts have ran away. Amos Owens is lying out or has run away.
Question. Are all these members of the order?
Answer. Yes, sir, they are said to be.
Question. You spoke of men "lying out;" you mean to say that some are concealing themselves in the woods?
Answer. Yes, sir.
Question. Are there many in the woods now?
Answer. Yes, sir, a good many.
Question. Are investigations still going on before the judge?
Answer. Yes, sir.
Question. Are there United States troops there?
Answer. Yes, sir.
Question. What has become of those men who were turned out of jail in Marion?
Answer. I cannot tell you. They said they were keeping up close to home a week or two weeks ago.
Question. Were they Rutherford men?
Answer. No, sir; they were from Polk or Henderson. I think they were from the northern edge of Henderson.
Question. Do you know where they are now?
Answer. No, sir, I do not.
Question. These men whom you spoke of as having run away—where have they gone? Have they left the county?
Answer. Some of them have left the State—a heap of them. I have heard some say they had gone to England; I heard two or three of their people say since they started that they said they were going to England. I do not know whether it is so or not; I do not believe it is.

Question. Have any of them run to South Carolina?

Answer. Yes, sir, some of them I think have gone to South Carolina.

Question. State what was the object of this organization? What was it gotten up for? What were its members trying to do?

Answer. They were trying to put down one party and raise up another. That was the whole object of it, I think—political. That is the way I understood it when I belonged to it anyhow.

Question. Do the negroes there seem to be afraid of it?

Answer. Yes, sir, they did.

Question. Were any white people afraid of it?

Answer. Well, some men were. Pretty nigh all the men around us were into it.

Question. You mean white men?

Answer. Yes, sir; all the white men.

Question. Have you found any democrats in that county afraid of being troubled by it?

Answer. Mighty few; not any that I know of.

Question. It was the republicans, then, who were afraid of it?

Answer. Yes, sir. Some mighty innocent, good men got their orders that if they did not keep their mouths shut, and hush talking, they would get their backs slashed. An uncle of mine, or rather my father's own uncle—a preacher right close to me—got his orders like that.

Question. To keep his mouth shut about what?

Answer. About politics, and to stop talking against the Ku-Klux. They would not allow any man to talk about them; if he did he was in danger of getting a whipping or, may be, being killed.

Question. You spoke of Mr. Downey having been whipped by them because, as they said, he had told on them. Was Downey ever on any raid?

Answer. I don't think Downey was on any raid; I lived within a mile and a half of him; I don't think he was.

Question. You were never on a raid with him?

Answer. No, sir; I don't think so. I have been in meeting with him.

Question. You spoke of De Priest, your chief. Has he made a confession?

Answer. Yes, sir; De Priest was in the meeting the night McGahey was whipped.

Question. Do you know who it was made that raid on Mr. Biggerstaff?

Answer. Well, it was all done in Cleveland.

Question. The men came from Cleveland County?

Answer. Yes, sir.

Question. What did they make the raid upon him for?

Answer. I cannot tell. I reckon he was a man that talked mighty free and said what he pleased. I think they went after him to make him hush his talking. He was talking about the McGahey raid and trying to uphold McGahey in the suit McGahey was in.

Question. A civil suit for damages?

Answer. Yes, sir.

Question. You say the main body of the men who attacked Biggerstaff came from Cleveland?

Answer. Yes, sir. There was not more than one man—Amos Owens—who was from around Biggerstaff's own neighborhood. Biggerstaff has sworn to all the men in the settlement, but he is mistaken.

Question. You were not on the raid yourself?

Answer. No, sir, I was not.

Question. You mean that so far as you have learned he was mistaken in regard to most of the Rutherford men that he swore to?

Answer. Yes, sir. Some of the men that were along that night told me that the party was from Cleveland.

Question. How came the Cleveland crowd to go over there after him?

Answer. It was just done from one settlement to another. They did not do their whipping in their own settlements. For instance, if there was anything to be done in my settlement, I was not to do it, nor any of my crowd; we would send off to another den to come and do it.

Question. What was the object of that?

Answer. To keep them from knowing who did it.

Question. You think that the Rutherford people sent over to Cleveland for a Cleveland den to come up and whip Biggerstaff?

Answer. I think that Amos Owens went down there; there was a great many of that settlement who did not know anything about it. I think Amos Owens was the main cause of the Cleveland crowd coming. I heard it talked of a month beforehand. I was wagoning through Cleveland, and I heard of it.

Question. You heard over there, a month beforehand, that they was coming after Biggerstaff?

Answer. Yes, sir. I think some of them said they were to give him five hundred lashes, and if that didn't kill him they were going to come back on him.

Question. Do you know whether there are any members of this organization in McDowell County?

Answer. I do not.

Question. Do you know anything about Lincoln and Gaston?

Answer. I have heard that a man by the name of Shank, down there, belonged to it. He is some sort of an officer.

Question. What is his first name?

Answer. I do not know.

Question. What is his business?

Answer. A lawyer, I think.

Question. Is there more than one lawyer in that section of country named Shank?

Answer. I do not know.

Question. Are there men of some age who belong to this organization and do not go out on raids?

Answer. Yes, sir; there are some.

Question. Do they attend the meetings of the dens?

Answer. Some of them do and some don't. Most of them don't.

Question. You mean men of age and character in the county?

Answer. Yes, sir; as good men as we have.

Question. Men of property?

Answer. Well, about as wealthy as any in the country. It is a poor country anyhow, people are generally poor there.

Question. Name some of them.

Answer. Jimmy Goode belongs to it.

Question. Has he a son?

Answer. No, sir; he has no son.

Question. Who else?

Answer. Old Jimmy Young belongs to it.

Question. Do any professional men belong to it—lawyers or doctors?

Answer. I do not know of any around there. Tom Moore belongs to it. He is a man about fifty years old.

Question. Have you ever been over in South Carolina and seen members of the organization there?

Answer. I have been down there right smart; but never on any meeting or raid.

Question. Did you not meet members of the Klan over there?

Answer. I met some once in a while.

Question. How did you know them when you met them?

Answer. They would give me a sign, or I would give them one.

Question. Did you then talk about the order?

Answer. Yes, sir; sometimes I would.

Question. Did they tell you about their operations over there?

Answer. I never talked with a great many that did. As a general thing, when anything had been done they didn't talk much about it; they just let it die out as much as possible.

Question. They did not talk among themselves about their operations?

Answer. No, sir; not powerful much; they wanted it to die out as quick as possible. When there was anything real bad, they did not want it to get out of the crowd that did it, for fear some man might divulge.

By Mr. BECK:

Question. When did you join this gang?

Answer. About the first Sunday in last February.

Question. Do you think that was the first of it in the county of Rutherford?

Answer. Yes, sir. What has been done in our settlement there has been done in the last five months. The McGahey raid was over a year ago. But the first I knew anything about this society was the first Sunday in February.

Question. You think that was about the beginning of the organization in your county?

Answer. Yes, sir; where I was; but I know there have been men in the county belonging to it long before.

Question. Was there anything in the oath which you took requiring you to do any unlawful acts?

Answer. No, sir.

Question. The oath, so far as you repeated it, pledged you to stand by each other; to protect——

Answer. To protect the conservative party, and denounce the radical party.

Question. Was that in the oath itself?

Answer. Yes, sir.

Question. In what way?

Answer. It did not say what way. It just said to denounce the radical party.

Question. And to protect the conservative party?

Answer. I cannot tell just exactly the oath.

Question. Was there anything in the oath that required you to violate any law, to whip anybody, or kill anybody?

Answer. No, sir; that was not in the oath.

Question. There was nothing in the obligation itself that required you or pledged you to stand by the violation of any law?

Answer. Well, we were sworn to stand up to a party in distress.

Question. Beyond that, you recollect nothing else in the oath?

Answer. And if we should divulge or tell any signs or pass-words it was to be death.

Question. Was there any other matter pertaining to the secrecy of the organization?

Answer. Yes, sir. The oath said that if we told anything that was done, said, or passed, it should be death.

Question. At the meeting where you were sworn in there were no arrangements for any raid, and you had no suspicion, from anything that took place, that such a thing was contemplated?

Answer. No, sir; I did not know that there was going to be any raid. There was no talk of any that night.

Question. You were on only two raids?

Answer. Three.

Question. One was when a negro was whipped for being too intimate with some white women?

Answer. Yes, sir.

Question. Another occasion was when a negro woman was whipped for fighting a white man?

Answer. Yes, sir.

Question. What was the other occasion?

Answer. When we went back on the same negro on another night.

Question. The negro man?

Answer. Yes, sir; we went back on him because he had talked of swearing to men that were not there.

Question. The McGahey case, out of which this fuss grew, had occurred long before you were a member of the order?

Answer. Yes, sir.

Question. A good deal of bad blood had been gotten up by McGahey killing somebody? What was his name?

Answer. De Priest.

Question. And they had shot into Sam Biggerstaff's house when Aaron was about?

Answer. Sam was not on the McGahey raid.

Question. Had they not shot into Sam's house?

Answer. McGahey did, after his family was whipped.

Question. Then he killed De Priest next day?

Answer. Next morning.

Question. Was there not considerable excitement all over the neighborhood, arising out of these transactions?

Answer. I do not know, sir. Of course there was right smart excitement about the whipping of McGahey's wife and the raiding. I never knew anything about the Ku-Klux then. I heard about it; but I never knew anything about it till about five months ago.

Question. Was Mr. Justice the lawyer of Aaron Biggerstaff when this thing came before the courts?

Answer. I believe he was.

Question. You were not on the raid when some parties went after Justice?

Answer. No, sir; I knew all about it though.

Question. Did they whip Justice?

Answer. They struck him on the head with a pistol. I do not think they whipped him; but they abused him. I think they hit him on the head for hollering when they started out with him.

Question. Were they after Aaron Biggerstaff that night?

Answer. Yes, sir; they hunted for him, but he got out of the way.

By Mr. BLAIR:

Question. Was not the chief object of the raid to find Biggerstaff?

Answer. They wanted Justice first. They were to go to Justice's first, and then to Biggerstaff's, and then to the office. Beatty Carpenter and Logan were not there. They would have got them too, but neither of them was there.

By Mr. BECK:

Question. You said that Biggerstaff made a mistake and arrested a number of men in your county, when, in fact, it was people from other counties who did the mischief.

Answer. Yes, sir; I think he made a mistake as to a great many of the men.

Question. Were not the feelings of these men wrought up against Aaron Biggerstaff because of his arrest of so many men who were not concerned in that raid?

Answer. I cannot tell. I expect he was right about the first raid on McGahey. The men on the last raid came, most of them, from Cleveland. There were about seventy-five men from Cleveland at his house that night. One of my cousins told me this. He was along, and said there were about seventy-five.

Question. They have not killed anybody in your county, I believe?

Answer. No, sir; there were some negroes killed up there, but I don't think the party did it. I think the Dare boys did that.

Question. Your statement in writing, and the statements of others who have made confessions, are before the judge of the court?

Answer. Yes, sir; my statement is.

Question. Were you summoned from there?

Answer. Yes, sir.

Question. To appear here?

Answer. Yes, sir.

Question. You were summoned when you were down in Rutherfordton?

Answer. Yes, sir.

Question. Did you make any confession before the matter was proved on you? How did you come to make confession?

Answer. I went up to Judge Logan, after other men got to going. I went and told him what I knew about it.

Question. Had you been arrested?

Answer. No, sir; I never had.

Question. Did many of the men who made confessions go and do so without being arrested?

Answer. Yes, sir; a great many of them—most of them. There have been a few who have made confessions after being arrested; but the great mass have gone there without being arrested. I reckon ten or fifteen men made confessions after they were arrested.

Question. Your confessions are all in writing and can be had?

Answer. Yes, sir; mine is.

Question. The substance of your confession is what you have told here?

Answer. Yes, sir; and I told all the men that I knew belonged to it.

By Mr. POOL:

Question. Did Mr. Biggerstaff have anybody arrested except those who belonged to the Ku-Klux?

Answer. I think he did one man; maybe two or three.

Question. You mean that these two or three did not belong to the order at all?

Answer. They did not belong to it. He had two or three arrested; and after he had them arrested, there were a couple of them, I think, that joined it one night when they were in the court-house. So some of the party told me.

By Mr. BLAIR:

Question. Who was the man McGahey? What was his business?

Answer. I do not know. I never knew the man. I guess he farmed for his living. He lived about eight miles from where I live, but I don't recollect that I ever saw him.

By Mr. COBURN:

Question. You said that men who had joined this society would have been glad to get out of it if they could. What kept them in?

Answer. They could not get out.

Question. Why?

Answer. They would have been killed. If they had told anything it would have been death.

Question. You mean to say they feared death as a punishment for disclosing?

Answer. Of course.

Question. Do you know anything about taking away arms from negroes in your county?

Answer. Yes, sir; there was some of that done.

Question. At the time that was done, or at any other time, did you ever hear the men who had been engaged in it say what was the purpose?

Answer. It was to get their arms, so they could have nothing to fight with, and because the men might need the arms themselves.

Question. Are you well acquainted with Plato Durham?

Answer. Yes, sir; I am. He is a little kin to me, too.

Question. What is your relationship?

Answer. We are second cousins; he is an own cousin of my mother.

Question. Where does he live?
Answer. In Shelby, Cleveland County.
Question. He knows you well, personally?
Answer. Yes, sir, he does.
Question. How old a man is he?
Answer. I think he is from twenty-five to thirty years old; may be thirty.
Question. What is his position in society? Has he been a public man?
Answer. Yes, sir.
Question. Has he been a candidate for Congress?
Answer. Yes, sir.

By Mr. POOL:

Question. Were any inducements or promises held out to you if you would confess?
Answer. No, sir. The judge told me when I went there that he did not promise anything to any man.
Question. Were you threatened in any way?
Answer. I have been by the other party since I divulged. Some of the conservative men who did not belong to it, friends of mine, told me that if they were in my place they would not go down toward Cleveland; that I would not be safe; and one of the men who were lying out said that if I didn't watch the way I was doing, the Ku-Klux would swallow me up.
Question. Did anybody threaten you to make you confess?
Answer. No, sir.
Question. What made you confess; because you knew they were arresting people all around there?
Answer. I wanted to get out, and I was glad they were confessing. I had just come from Georgia. I got home about five o'clock one evening, and I went to town the next morning and confessed.
Question. What made these other men confess? Was it because the United States Government had sent down troops and begun to arrest?
Answer. I do not know; I guess that was it. I don't know anything else.
Question. Did they think it would be safer then for them to confess than it was before?
Answer. Of course they did. If we had confessed before that, we would have been killed. They would have done it in the day-time. I would not have confessed before for anything.
Question. If they had made confession before, the Ku-Klux would have killed them even in the day-time?
Answer. Of course they would.
Question. Then all these confessions were brought about by the protection given by the United States Government down there?
Answer. Yes, sir; of course.

WASHINGTON, D. C., *July* 22, 1871.

MARCUS M. WELLS sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you live?
Answer. In Rutherford County, North Carolina; ten miles from the village of Rutherfordton.
Question. What is your business?
Answer. I am a farmer.
Question. To what political party do you belong?
Answer. I have belonged to the democratic party.
Question. Do you belong to any society or organization commonly called Ku-Klux?
Answer. Yes, sir; I have been sworn into that. They call it the Invisible Empire of America.
Question. Ku-Klux is the name people generally call it?
Answer. Yes, sir.
Question. What is the name which the members of the order themselves call it?
Answer. Invisible Empire of America.
Question. When did you first hear of any such order in Rutherford County?
Answer. I cannot tell you exactly.
Question. About how long ago?
Answer. In that county the first I heard of it, to the best of my knowledge, was last winter.

Question. Had you heard of it in some other counties before it appeared in your county?

Answer. I had heard of it in Cleveland County and in South Carolina.

Question. About how long ago did you hear of it in Cleveland County or in South Carolina?

Answer. I think it probably was in 1868 or 1869; I cannot tell you positively.

Question. Had you any knowledge of what kind of society it was until it extended into your county?

Answer. No, sir; I had not.

Question. Had the organization in Cleveland County come over into your county and done anything before the order was established in your county?

Answer. I do not know whether they had or not.

Question. You say you became a member of this order?

Answer. Yes, sir.

Question. When?

Answer. I think about the 1st of last April.

Question. Where did you join?

Answer. Near Rutherfordton, at a place called the Red Tavern.

Question. Was there a meeting there?

Answer. No, sir.

Question. Who was there?

Answer. Nobody was there but Mr. Harrill and the one who administered the oath.

Question. Were you and Mr. Harrill sworn in at the same time?

Answer. No, sir; he was sworn in before me.

Question. Harrill was already a member at that time?

Answer. Yes, sir.

Question. But he was present when you were sworn in?

Answer. Yes, sir.

Question. Who was the officer who swore you in?

Answer. A man by the name of J. R. De Priest.

Question. What was he?

Answer. They called him the chief.

Question. Chief of what?

Answer. Chief of the den.

Question. What den was that?

Answer. I don't know what the number of it was. I never was at a meeting at that place.

Question. Are these dens designated by numbers?

Answer. I think they were.

Question. How much territory—how large a neighborhood—did the den to which you belonged cover?

Answer. There were two of them in the same township. The two included the township, if I mistake not.

Question. How large are your townships?

Answer. I don't know exactly how large they are.

Question. Do you live in the same township that Rutherfordton is in?

Answer. No, sir; I live in Colfax Township, but this was in Burnt Chimneys Township.

Question. About how many members had the den that you belonged to?

Answer. They said when I joined it I made thirty-seven. I don't know how many were initiated afterward.

Question. Did some join after you?

Answer. I think so; I don't know it.

Question. Did they have meetings?

Answer. Yes, sir.

Question. Did you attend some of their meetings?

Answer. I was at one; but I never was at a meeting at that den. I was at one meeting in Colfax Township.

Question. You never were at a meeting of this den that you belonged to?

Answer. No, sir; I was never at a meeting of De Priest's den.

Question. He was the captain?

Answer. Chief they call it.

Question. He was chief of the den you joined?

Answer. Yes, sir.

Question. You attended the meeting of another den in another township?

Answer. Yes, sir; the den I was initiated in was in Burnt Chimneys Township, but the den whose meeting I attended was in Colfax Township.

Question. Where was the meeting held?

Answer. At a place called the Odum House.

Question. Was that a hotel?

Answer. No, sir; nobody lived there; it was an unoccupied house.
Question. When was that?
Answer. I think it was the last of April or first of May.
Question. How many persons were present at that meeting?
Answer. There were a good many.
Question. How many, in your judgment?
Answer. I think there were thirty, if not more; I cannot tell exactly.
Question. Was the meeting held in the day-time or at night?
Answer. It was held in the night.
Question. Who was the chief of that den?
Answer. They organized the night I was there.
Question. Did they choose a chief that night?
Answer. They elected one.
Question. Who was he?
Answer. A man by the name of Hambrick.
Question. What other business did they do that night besides electing a chief?
Answer. I think they elected their other officers. They have committee-men; they have what they call a "Monk" and what they call a "Turk." I don't know what they are for; but they elected them that night.
Question. They elected all their officers?
Answer. Yes, sir.
Question. Did they do any business besides electing officers?
Answer. I think they held some kind of a council, but they would not allow me to hear it.
Question. You were not a member of that particular den?
Answer. No, sir.
Question. Did they talk about anything they were going to do, or did they agree upon anything?
Answer. I don't know. They have a committee, I think, and the committee sits on a case. Anything that occurs is reported to them by what are called the "Night-hawks." The committee sits on the case and don't allow any one to hear them.
Question. The committee decides what is to be done?
Answer. Yes, sir; the committee decides. They have so many committee-men to every den.
Question. And the "Night-hawks" are a kind of scouts?
Answer. Yes, sir; they are a kind of messengers?
Question. And the committee sits on any cases reported by the "Night-hawks?"
Answer. Yes, sir. And if the committee see proper to inflict punishment or anything else, they make their report to the chief, and he calls, I think, for volunteers out of the den—so many to do whatever is to be done; and I think if they cannot get volunteers enough they make them go. That is the way I understood it.
Question. If the chief requires them to go, they are bound to go?
Answer. Yes, sir; if he requires them to go, they are bound to go, I think.
Question. At the time when you were initiated, De Priest, the captain of that den, administered an oath to you?
Answer. Yes, sir.
Question. Can you repeat that oath?
Answer. No, sir; I cannot.
Question. Can you state the substance of it?
Answer. No, sir. I think it has a political view. I think it is an oath to vote for the nominee of the party. That is the way I understood it.
Question. The nominee of which party?
Answer. Of the democratic party.
Question. Was there anything in the oath about obeying all orders?
Answer. I think there was, if I mistake not.
Question. Was it any part of the obligation that each man bound himself to execute the orders of his chief?
Answer. I think it was, if I mistake not.
Question. Was there anything in the oath about testifying in cases where any member of the order was in any trouble or difficulty?
Answer. Yes, sir. They had a pass-word of distress, as I think they called it.
Question. What did the oath require a member to do in such a case as that?
Answer. They were to help each other out in a case of distress. The man that was in trouble had a pass-word, and they all understood it.
Question. What were the members required to do whenever called on by a member who gave the sign of distress?
Answer. They were to defend him and keep him from being hurt, I think.
Question. You have never attended a meeting of the den that you were a member of?
Answer. No, sir.

Question. You attended one meeting of another den?
Answer. Yes, sir.
Question. Did you ever attend any other meeting?
Answer. I never did.
Question. Did you ever go out upon any of their expeditions?
Answer. I never did.
Question. Never?
Answer. None at all.
Question. Were you ever called upon to go?
Answer. No, sir; I never was.
Question. How far do you live from Rutherfordton?
Answer. About ten miles.
Question. In which direction?
Answer. Southeast.
Question. How came you to go to that place where you were sworn in?
Answer. I was solicited to go by my friend, Mr. Harrill. He belonged to it at the time.
Question. Harrill invited you?
Answer. Yes, sir; but for that I would not have known anything about it.
Question. What did De Priest, the chief, tell you about the order?
Answer. He did not say very much about it any way; he just administered the oath. I never heard the oath but that one time, and I don't remember much about it. I formed an idea of the substance of it, what it meant.
Question. And you say that you understood you were to do whatever was for the interest of the democratic party?
Answer. Yes, sir, that is the way that I understood it.
Question. Was there anything in the oath about the other party—the radical party, as they call it?
Answer. We were to oppose the radical party.
Question. Was there anything in the oath as to how you were to support the democratic party and oppose the radical party—what means and measures you were to take?
Answer. I don't remember that point exactly.
Question. Was there anything in the oath about keeping secret everything in respect to the order and their proceedings?
Answer. O, yes, it was death to tell—"death by the hand of a brother." That was in the oath. If we divulged anything we were to be killed.
Question. What do you know in regard to any of the operations of these disguised men in your county; how did they work; what did they do?
Answer. I don't know anything, only what I have heard.
Question. What operations of these men have you ever been told about by any of them?
Answer. Mr. Harrill is one man who has told me about raids he has been on; he has been on some raids. Another man, who belonged to the Colfax den, told me that he had been on a raid; and I have seen some affidavits since.
Question. Tell what any of the members of this order told you about raids being carried on?
Answer. Harrill told me about being on three raids—one near Big Island, and the other two near Rutherfordton.
Question. Those were all the raids he said he had been on?
Answer. Yes, sir.
Question. What other member of the order ever told you of being on raids?
Answer. I think Robert Webb told me. He was along with Harrill on some raids.
Question. And he gave the same account that Harrill did?
Answer. I think so.
Question. What den did Webb belong to?
Answer. They were sworn in by De Priest, but I think they organized a new den, under Mr. McBrayer.
Question. Was he the chief of it?
Answer. Yes, sir, I think he was.
Question. What other men have told you of being on raids?
Answer. Mr. Lawson Brooks told me of being on two raids.
Question. Where did he live?
Answer. Near the High Shoal, Rutherford County.
Question. How far from Rutherfordton?
Answer. I don't know exactly; ten or twelve miles, I suppose.
Question. What raid did he go on?
Answer. He said he was on a raid that went to my brother-in-law's, Mr. Goode's; and he was on a raid when they went to a black man's house ——
Question. Tell us first about the Goode case. State what they did.
Answer. They cursed him a little, and asked him if he was in favor of night-riders. I think that is the way he spoke of it.

Question. They did not beat him?
Answer. No, sir.
Question. What party does he belong to?
Answer. He belonged to the democratic party.
Question. Did he belong to the order?
Answer. He did not belong to the order at that time.
Question. Did he afterward join?
Answer. Yes, sir, he was sworn in afterward.
Question. You were also told about a raid on a black man?
Answer. Yes, sir. That same night they went from Mr. Goode's up to the place of a black man by the name of Robert Toms.
Question. What did they do with him?
Answer. I think they whipped him.
Question. Where did he live?
Answer. He lives, I think, within about eight miles from Rutherfordton; about a mile from Mr. Goode's.
Question. They took him out and whipped him?
Answer. I think so.
Question. Why did they do it?
Answer. I don't know why; I never heard; it was about some threats he had made upon them, I think. I think they told Thomas Goode that he had threatened to kill them if they went there, and they were going up that night to try him to see if he would kill them.
Question. They took him out and whipped him?
Answer. Yes, sir. He got away from them some way; but, I think, they struck him anyway.
Question. Did this man Brooks tell you about any other raid?
Answer. Yes, sir; he told me about being on another raid. They went to the house of a black man named Henry Carpenter, and took his gun away from him. They then went and whipped another black man by the name of Ben Houser for abusing a cow that belonged to some women—old maids, who lived together. The cow had got into his field, and he had badly abused it—had split a great long pole and put the cow's tail through it, and turned it loose in the woods. They went there and whipped him for it.
Question. Did he tell you about any other of their operations?
Answer. No, sir, I think not.
Question. What other member of the order has ever given you any account of raids?
Answer. That is about all I recollect of now; those three are the only cases Brooks told me about.
Question. Has any other member of the order told you anything?
Answer. No, sir, not so far as raids are concerned.
Question. Did you hear of the raid on Mr. Justice?
Answer. Yes, sir, I heard about that.
Question. Did any of the men who were engaged in it ever tell you anything about it?
Answer. No, sir.
Question. When did you hear of that?
Answer. I heard of it two or three days after it was done. I heard they were going there several days before they did go.
Question. Who told you they were going?
Answer. Mr. Harrill.
Question. Who else?
Answer. I think he is about the only one. He is a brother-in-law of mine, and he staid at my house on a Saturday night; and he was saying that they were talking about it.
Question. When did he tell you they talked of going?
Answer. On Sunday night, the night they did go.
Question. Did he say they wanted to have him go?
Answer. I think so.
Question. What did he tell you about going?
Answer. I think he talked sort of like he did not want to go; he said he hated to go.
Question. Did he say anything about his father going?
Answer. No, sir.
Question. Did he say anything about his father wanting him to go or not to go?
Answer. No, sir. He said that they had requested him, I think, from Spartanburgh district, South Carolina, to go. He and a man by the name of Trout were to meet them at Red Tavern.
Question. They were to meet some men coming from Spartanburgh?
Answer. Yes, sir; they had sent up a request, I think, to meet them there and form them. Others went up from about Cherry Mountain, I think.
Question. Is it understood there that a body of men came up from South Carolina?
Answer. Yes, sir; I think that is understood at Rutherfordton.

Question. Everybody there understands that to be so?

Answer. Yes, sir; that is the general opinion.

Question. Is it not also understood that a large number of persons who were engaged in that raid lived in your county?

Answer. Yes, sir.

Question. What was the object of this raid on Mr. Justice? What had he done?

Answer. Well, he was a strong republican. I suppose the object was to intimidate him, so as to get him not to use any influence over the State convention. That is what I think.

Question. He is a leading active republican?

Answer. Yes, sir.

Question. Does anybody claim that he is not a man of good, respectable character?

Answer. No, sir; I do not think they do.

Question. Men of all parties agree that such is his character?

Answer. Yes, sir; he is a nice man—a very clever man.

Question. In this order, whose organization you have been describing, each den has a chief?

Answer. Yes, sir; that is the way I understand it.

Question. There are a good many dens in the county?

Answer. Yes, sir; I knew of three before these men confessed; and since that they have made a report of more.

Question. You yourself knew of the existence of three?

Answer. Yes, sir.

Question. How many do you understand there were of these dens in your county?

Answer. I never knew but three.

Question. How many do you now understand there were in the county?

Answer. I understand now that there were De Priest's den, McBrayer's, Witherow's, Fayette Eaves's, and I think Edgington's. There was another den down toward the river; the chief's name I believe was Bill Webster.

Question. Was there some officer in the county above these chiefs?

Answer. O, yes.

Question. What did they call him?

Answer. The grand chief of the county.

Question. Who was the grand chief in your county?

Answer. Mr. Randolph Shotwell. That is what the members told me.

Question. You know Mr. Shotwell?

Answer. Yes, sir.

Question. He is the man who has been editor of a newspaper there?

Answer. Yes, sir.

Question. Of what kind of a paper is he the editor?

Answer. A democratic paper.

Question. How many republicans do you know that belong to this order?

Answer. To the Ku-Klux order?

Question. Yes, sir.

Answer. Well, I do not know exactly how many, but there were some.

Question. What republicans belonged to it?

Answer. Well, there was Mr. Hambrick; he was a republican, or voted that way.

Question. Voted that way when?

Answer. Every election, I think. I don't know how he would vote now; but he has always been, if I mistake not, a republican. Then there was Mr. Harmon.

Question. Do you understand that Mr. Hambrick is a republican now?

Answer. No, sir; I think not now.

Question. This organization is not understood to be a republican institution?

Answer. No, sir; it is understood to operate against the republicans. That is the way I understood it—to vote for democratic candidates.

Question. When you speak of republicans belonging to it you mean that these men at some time did vote the republican ticket?

Answer. I mean men that belonged to the republican party until they joined the order. Mr. Hambrick always voted with that party until he joined the order; but afterward I suppose he would vote the other way.

Question. He would be bound to?

Answer. I think so, if I mistake not.

Question. Would it not be a violation of their oath for members of the order to vote the republican ticket?

Answer. Yes, sir; I think it would.

Question. You do not understand then that a man can belong to that order and support the republican ticket?

Answer. No, sir; I do not understand it in that way. From what I could catch—I never was at but one meeting—they were to watch the polls, and if a man belonging to the order did vote that way they were to punish him for it. That is the way I understood it.

Question. How do the republicans, black and white, feel in regard to this order; how do they talk about it; are they in favor of it or opposed to it?

Answer. They are opposed to it, of course.

Question. They all talk against it and act against it, do they not?

Answer. As a general thing, I think they do.

Question. Was it not one of the objections to Mr. Carpenter and Mr. Justice that they had been so active against it?

Answer. Yes, sir; that was the reason of their going there and abusing them, I think.

Question. Because they were active republicans, and active against the order?

Answer. Yes, sir; active against the order.

Question. Did you ever talk with any members of this order from Cleveland County?

Answer. I think I talked with one.

Question. Who was he?

Answer. A man by the name of James Daves.

Question. When did you talk with him?

Answer. In June; I think he beginning of June.

Question. Did you talk with him about the order in his county?

Answer. Some.

Question. What did he tell you about the order in his county?

Answer. He told me he belonged to it.

Question. Did he tell you how numerous the order was in that county?

Answer. No, sir, he did not; he just told me he belonged to it, and the name of the man who was chief of it.

Question. Who did he say was chief?

Answer. A man by the name of Joseph Walker.

Question. Did he tell you who was the grand chief in his county?

Answer. No, sir, he did not.

Question. Have you ever heard that from any member of the order?

Answer. Yes, sir; I have heard it talked that Mr. Durham was the grand chief of Cleveland County. That is what I have heard; I never talked to him about it.

Question. Did this man tell you anything about the operations of the order in Cleveland County—what they had done over there?

Answer. No, sir; not that I recollect.

Question. A considerable number of men have been arrested in Rutherford County recently?

Answer. Yes, sir.

Question. They were arrested for being engaged in that raid upon Mr. Justice?

Answer. Some of them were, and some for being on other raids.

Question. Do you know how many have been arrested in all?

Answer. I think thirty-five or forty. They are still arresting; and a great many are lying out.

Question. Have a very large number of persons who belonged to the order in that county come forward and made confessions?

Answer. Yes, sir; they have told all they knew about it.

Question. How large a number have come forward in that way and made confession?

Answer. I don't know exactly how many, but a good many.

Question. Have you any idea of the number?

Answer. I have not; I think, though, there must be over fifty.

Question. Did you ever have one of the uniforms or disguises?

Answer. No, sir. I never had any uniform, or arms, or anything of that kind.

Question. You have seen some of the uniforms?

Answer. Yes, sir; they had them when I was at that meeting.

Question. Were they all alike?

Answer. No, sir; not exactly; some were white and some were red.

Question. Was there anything in the rules of the order which required uniforms to be alike, or did each man make up his uniform to suit himself?

Answer. I don't know. I never understood anything about it.

Question. Do you know any of these men who belonged to the order down in South Carolina?

Answer. A man by the name of Jones that works at my house said that he joined it in the Spartanburgh district.

Question. He works for you?

Answer. Yes, sir; a part of the time he works with me. I don't remember the man he said swore him in; but I think he said that a man by the name of Bank Liles, at Limestone Springs, was the grand chief of Spartanburgh County.

Question. Did he tell you whether he had ever been out on any of their raids?

Answer. I think he said he went around when they administered the oath. He said that when there was a man that they were afraid to come to in open daylight and talk with about joining it, they would put on uniforms and talk with him, and then if he did not consent to join, they would not be known. He was along one night when some were sworn in. They would visit a man and call on him to join.

Question. Do you know whether they threatened men if they would not join?
Answer. I don't know exactly, but I think so.
Question. Did you understand so from members of the order?
Answer. I understood that when men found out anything about the order they had to join it. If they found out any of the signs or pass-words, or were told anything about it, they had to join it.
Question. If they got possession of any of the secrets of the order they had to join it?
Answer. Yes, sir.

By Mr. POOL:

Question. Was there any obligation that members of the order were to swear for one another in court?
Answer. I do not recollect of there being anything of that kind in the oath; but I believe they had that rule some way, whether they had it in the oath or not. I don't recollect much about the oath, for I never heard it but the one time. But I heard tell of that being the rule, or of its being carried out in action.
Question. That was a part of the practice?
Answer. Yes, sir.
Question. Was there anything said about acting on juries and getting men clear?
Answer. Yes, sir; I heard about that from one of the members.
Question. Was there anything about turning men out of jail?
Answer. Yes, sir; I heard about that.
Question. You say that there was a committee appointed in these dens to decide whether a certain thing—a whipping or anything of that kind—was to be done?
Answer. Yes, sir.
Question. And when the committee decided, then the chief called for volunteers to execute what had been resolved upon?
Answer. Yes, sir.
Question. And you understood that if they did not get enough volunteers they compelled men to go?
Answer. Yes, sir; I think they did; that is the way I understood it.
Question. Was it a part of the obligation to obey the orders of the chief?
Answer. I think that was a part of the obligation.
Question. Do you know whether any of the prominent men in your county belong to this organization—men of influence and standing and property?
Answer. Mr. Hambrick belongs to it; he is a man of good property and influence. Mr. Alfred Harrill belongs to it; he is a man of property and some influence; but I think he was rather intimidated into it.
Question. You spoke of some republicans having joined it; was that through fear?
Answer. This man Hambrick, I think, went into it so that they would protect him in distilling. It and the distilling business seemed to coöperate together.
Question. You mean distilling contrary to law?
Answer. Contrary to law—running the blockade. I think the den he belonged to had a still of their own—a blockade still; that was what I was told by one of the members.
Question. Do you suppose that any persons went into the order through fear, or in order to protect themselves?
Answer. Yes, sir; I think there was many a one intimidated into it.
Question. Which party was it that was afraid of the Ku-Klux—republicans or democrats?
Answer. Republicans.
Question. Were any democrats afraid of the Ku-Klux?
Answer. There might have been some, if they did not join.
Question. If a man joined the order he would be a republican no longer?
Answer. No, sir; O, no.
Question. He renounced republicanism by joining it?
Answer. Yes, sir. It was talked that a man had to take one side or the other—go into that or be a republican.
Question. That is, that all the democrats had to join it?
Answer. Yes, sir.
Question. Or go to the other side?
Answer. Or go to the other side. They had to be one thing or the other; they were not going to have any milk-and-cider men.
Question. Have you seen any of the affidavits which have been made by members of the order?
Answer. Yes, sir; I have seen three or four of them.
Question. What do they state?
Answer. They state something about the raid on McGahey that was made a year or two ago. Some of the members state that they were at a meeting when sentence was passed to go to McGahey's, and to the houses of the negroes, Ibby Jenkins and Almon

Owens, and that this man De Priest was in the meeting on that night, and I suppose was along on the raid.

Question. Did the raid on old man Biggerstaff have anything to do with theMcGahey matter?

Answer. I think Biggerstaff was an active man in trying to suppress them. At the time the raid was made on McGahey, I think Biggerstaff and a company of men went out to try to catch some of them.

Question. To try to suppress the Ku-Klux?

Answer. Yes, sir. That raised a kind of prejudice, I think, against Biggerstaff, and then they raided on him. I think they raided on him because of his trying to suppress them at the time McGahey killed De Priest.

Question. Had not Biggerstaff kept on abusing them from the time of the McGahey affair until the attack upon himself?

Answer. Yes, sir.

Question. There was a year or more between the two raids?

Answer. Yes, sir.

Question. And he kept on abusing them during that time?

Answer. Yes, sir.

Question. Was he very talkative and abusive?

Answer. Yes, sir.

Question. Do you think that was the cause of the raid upon him?

Answer. Yes, sir; I think so.

Question. Had Biggerstaff been a Union man during the war?

Answer. He was the latter part of it; the first part, I think, he was a secessionist.

Question. Do you know whether during the latter part of the war he helped Union prisoners to escape?

Answer. No, sir; I don't know whether he did or not.

Question. Did you ever hear it said?

Answer. I don't think I have.

Question. Did these affidavits tell about other things having been done in the county?

Answer. I don't know that they did. Judge Logan just read to me that part about the raid on McGahey.

Question. You did not see the whole affidavit?

Answer. No, sir.

Question. Had there been any whippings in your county?

Answer. Yes, sir.

Question. Many of them?

Answer. Almon Owens and Ibby Jenkins were whipped; I think that was the first case; and Mr. McGahey's family was abused some. He was not at home the night they went there. The next one whipped in the county, I think, was Martin Pearson, a black man. I think De Priest, that was killed by McGahey, was the first chief that ever was in that county; and when McGahey killed him that stopped the thing for about twelve months, I think; that is the way I understood it from the other De Priest that day that he swore me in—that it was stopped for about twelve months, and that then they got at it again, swearing in men.

Question. And the next case you heard was last winter?

Answer. Yes, sir; the Pearson case. The next raid after the Pearson case was made on some negroes by the name of Harrill.

Question. Did they whip them?

Answer. No, sir; they just visited them and told them that they had to leave. They visited Mose Hamilton too, and told him he had to leave. Then they made the raid on Bob Toms and Henry Carpenter and Ben Houser, and then that raid to town. I have a paper here that Judge Logan gave me to refresh my mind concerning that meeting about going to McGahey's. The affidavit of one of the members states that he was at a meeting when they passed the sentence to go to McGahey's, and that De Priest was along at the meeting.

Question. The De Priest who was killed by McGahey was said to be a chief?

Answer. Yes, sir.

Question. Was that the reason the clan afterward wanted to avenge his death?

Answer. By going after Biggerstaff?

Question. Yes, sir.

Answer. I think it was.

Question. Was it said that Biggerstaff helped to get McGahey to run away?

Answer. I think so.

Question. Did they visit anybody else for helping to get McGahey to run away, or for loaning him horses, or anything of that kind?

Answer. Yes, sir; I think they did visit a man by the name of Hawkins, in Cleveland County, for helping McGahey, who had killed their chief, to get away.

Question. The chief was present at the time of the outrage on McGahey's wife. That appeared in the affidavit?

Answer. Yes, sir.

Question. Have you heard of colored men being whipped in the lower part of the county, toward South Carolina?

Answer. Martin Pearson lived down toward Cleveland.

Question. Have you not heard of any other outrages. Do you not remember any others?

Answer. I have heard of their going to Marion and turning the fellows out of jail. That happened lately—I do not recollect how long ago—not very long.

Question. Have you heard of any outrages over in Cleveland County, such as whipping men?

Answer. Yes, sir; I have heard of several in Cleveland, and in South Carolina too. I have heard of outrages committed in the Spartanburgh district of South Carolina.

Question. Have you heard of any outrages in Rutherford County, where you did not know the names of the parties?

Answer. No, sir; they always told, I think, after they whipped them, who it was that was whipped.

Question. Do you think that you recollect the name of everybody that has been whipped in Cleveland County?

Answer. No, sir; I think not; I do not suppose I know all that have been whipped there.

Question. How many do you suppose have been whipped in that county within the last five or six months?

Answer. I have no idea. I heard tell of three or four who were whipped there.

Question. How many do you suppose have been whipped altogether within the last five or six months in Cleveland County?

Answer. I do not know.

Question. Can you not estimate how many you have heard of?

Answer. No, I cannot. I think there were four not more than six weeks or two months ago. I have heard tell of their whipping and shooting a black fellow named Dick Beam, in Cleveland County; they shot him through the leg. Then they crippled one in Shelby. Those cases have been over six months ago.

Question. You do not know anything about the Justice raid?

Answer. Nothing more than what I have heard since it was done.

Question. Who did you hear was the leading man on that raid?

Answer. I never could find out.

Question. You heard that most of the men came from South Carolina?

Answer. Yes, sir; I think I heard that forty came from South Carolina.

Question. What camp decreed that that raid should take place?

Answer. I don't know; I never could find out.

Question. You do not live in that township?

Answer. No, sir.

Question. Do you know what camp decreed the raid on Biggerstaff?

Answer. No, sir.

Question. That was not in your township, either?

Answer. Yes, sir; Biggerstaff lives right close to me. I heard tell of their passing by a brother-in-law's of mine that lives in Cleveland County.

Question. Do you think that those who came after Biggerstaff came from Cleveland?

Answer. My brother-in-law, who lives in Cleveland, said they passed his house going up and coming down.

Question. Do you know what camp decreed that raid?

Answer. No, sir; I did not belong to the order at that time, and I have never heard since.

Question. Who committed the second attack on Biggerstaff?

Answer. I heard it was Witherow's den, a part of it. There were ten men along, I think.

Question. Did they decree that in the den?

Answer. I do not know, sir.

Question. Do you know whether they intended to kill Mr. Biggerstaff that night?

Answer. I heard they put a rope round his neck and threatened to kill him.

Question. And broke his arm?

Answer. They struck his arm, and I think they split one of the bones in it.

Question. You have never been over into Cleveland among members of the order?

Answer. No, sir; I never have.

Question. Did you learn any signs and pass-words?

Answer. Yes, when I was sworn in.

Question. What sign did they give for recognition?

Answer. One person would give this sign, [witness touches his head above the right ear with the right hand;] the second person would answer with the left hand. Another sign was touching the lapel of the coat with the right hand, and the second person would answer back with the left hand. The word of distress, I think, was "Avalanche." At night, the pass-word was, "I s, a, y." The answer was "N, o, t, h,

i,n,g." When a squad of them were out and halted a man they would ask, "Who goes there?" If he belonged to them he would say, "A friend." They would ask, "A friend to who?" and he would say, "A friend to his country."

Question. How many men belonged to the order in the county of Rutherford?

Answer. I do not know; a great many, though—lots of them.

Question. Have you made any confession before the judge?

Answer. Yes, sir; I made a confession pretty much at the start.

Question. Were you among the first?

Answer. Yes, sir.

Question. What made you go in and confess?

Answer. Well, I did not think it was right to belong to any such lodge; I never did after I was sworn in.

Question. Why did you not confess before?

Answer. I was afraid to do it till I got protection. When I confessed we had the United States troops there, and we were not afraid.

Question. You were afraid to confess before?

Answer. Yes, sir.

Question. Suppose you had confessed before, what do you think would have been done to you?

Answer. They would have killed me forthwith, if they could have got hold of me; that was in their oath.

Question. Are many of them lying out in the woods?

Answer. Yes, sir; a good many of them; and a great many of them have gone. In Cleveland County, a great many of them have gone. I think a heap of them belong to it there. I heard a great many were leaving there; and some had gone down there, I heard, for protection.

Question. Gone from Rutherford to Cleveland?

Answer. Yes, sir; for protection.

Question. Did you hear of any going to South Carolina?

Answer. O, yes.

Question. For protection against the United States troops?

Answer. I do not know what it is for; they are going there to be harbored, or fed, or protected in some way.

Question. Have any persons been put in jail for their connection with this thing?

Answer. O, yes; lots of them.

Question. Are they now in jail?

Answer. Yes, sir; I suppose they are. They were when I left.

Question. The United States commissioner is issuing warrants and having them arrested?

Answer. Yes, sir.

Question. Have you any idea how many men in your county have been implicated in this thing by these confessions?

Answer. No, sir, I have not; a good many, though.

Question. Have any in Cleveland been implicated by the confessions?

Answer. Yes, sir; by the confessions made in Rutherfordton.

Question. Do you know whether any leading men in Cleveland have been implicated?

Answer. I think Durham and McAfee have been implicated as belonging to it.

Question. Have any leading men in your county been implicated?

Answer. Mr. Shotwell and a son of Dr. Ladson Mills. He is a young fellow; but I think Ladson Mills was the chief of the town den.

Question. You mean the Rutherfordton den?

Answer. Yes, sir.

Question. What has become of Dr. Mills?

Answer. He is at home, and his son has gone.

Question. They did not implicate the doctor in it?

Answer. No, sir, I think not.

Question. Suppose an election had occurred before these arrests were made, and before this stir had been made about the matter, would the republicans in that county have voted?

Answer. I don't suppose the black ones would. I think their idea was to go round before the election, and give the black ones their orders to stay at home and not go to the election.

Question. To keep them from voting by intimidating them?

Answer. That is the way I was told by one of the members.

Question. Did the black people seem to be in considerable terror about this thing?

Answer. Yes, sir, they were for a while.

Question. I mean before the troops went there?

Answer. Yes, sir.

By Mr. BLAIR:

Question. You have stated, I believe, that the raid made on McGahey was the first raid in your county?

Answer. Yes, sir, that was the first raid.

Question. What did they raid on him for?

Answer. I think it was through malice, and it was a political raid too, if I mistake not. He is a republican, and I think the men who were in the meeting that passed sentence to go to his house had had a falling out with him. I think the men that went there were enemies of his.

Question. There had been a difficulty of some kind?

Answer. Yes, sir.

Question. Do you know what it was about?

Answer. About running out a piece of land betwixt Mr. De Priest and Mr. Biggerstaff.

Question. You say you have a memorandum which Judge Logan gave you to testify by?

Answer. Yes, sir.

Question. Did he write that himself?

Answer. Yes, sir.

Question. When?

Answer. It was written last Wednesday, I think.

Question. After you were summoned?

Answer. Yes, sir; he gave it to me that I might refresh my mind on it. He showed me the affidavits of three or four men who were in the meeting when sentence was passed to go to McGahey's.

Question. And then he wrote out this memorandum for you?

Answer. Just a short note, in order that I could refresh my mind on it.

Question. That was after you were summoned here?

Answer. Yes, sir.

Question. Is that memorandum in his handwriting?

Answer. Yes, sir; you can look at it. [Witness produces the following memorandum:]

"THE MCGAHA RAID.—I was shown by Judge Logan several affidavits made by members of the Invisible Empire of America, stating that they were in a meeting of the order when it was ordered and decreed that the raid on James McGaha, Ibby Jinkins, and Almon Owens should be made, and that it was made, and McGaha's family abused, and Ibby Jinkins and Almon Owens whipped; also, that Decatur Depriest, who McGaha killed, was in the meeting, and was also in the raid."

Question. This memorandum, you say, is in Judge Logan's handwriting, and was given to you by him?

Answer. Yes, sir.

Question. Do you know anything, of your own knowledge, in regard to these matters in reference to which this memorandum was made?

Answer. Nothing, only seeing the affidavits.

Question. You saw the affidavits?

Answer. Yes, sir.

Question. The whole of them?

Answer. No, sir; I just saw a part, what concerned the McGahey raid.

Question. Judge Logan read that portion to you?

Answer. Yes, sir; and he showed me the signatures.

Question. Did he know you were summoned to appear here?

Answer. Yes, sir, he knew it.

Question. Did he procure you to be summoned here?

Answer. I don't know whether he did or not.

Question. How did he know you were summoned?

Answer. Captain Eaves brought the summons. He is a son-in-law of Judge Logan, and he told him.

Question. Then he sent for you?

Answer. Judge Logan never sent for me; but I was at the town, and he asked me into his office.

Question. He talked with you as to what you should testify?

Answer. Yes, sir.

Question. And read you these affidavits?

Answer. Yes, sir—a part of them; what concerned the McGahey raid.

Question. Did this raid on Aaron Biggerstaff grow out of the McGahey affair?

Answer. I think it did; that is my judgment about it.

Question. Biggerstaff was one of those who went with McGahey when he pursued the persons who had insulted his wife?

Answer. Yes, sir; he was along, and was said to be the instigator of De Priest's death.

Question. He was said to have instigated De Priest's death?

Answer. Yes, sir; that is what I heard.

Question. And the raid upon him grew out of his complicity with McGahey, or his assistance to McGahey?

Answer. I think it did partly; that and politics together.

Question. Mr. Justice was counsel in the prosecution of the parties who whipped Biggerstaff, was he not?

Answer. Yes, sir; I think so.

Question. And the attack on him grew out of his being counsel, and the language he used in court in regard to it?

Answer. Not altogether, I suppose. It was to intimidate him in order for him not to use any influence over the State election for a convention; this and the other together. I suppose it all had a bearing.

Question. Did you hear any of the parties speak in reference to the purpose of punishing Justice?

Answer. No, sir. I heard they were going, but I did not know they were going to do anything to Justice; I heard they were after Biggerstaff; that he was the man they wanted to get hold of.

Question. You heard they went to town to catch Biggerstaff?

Answer. Yes, sir; that they were aiming to go, or threatening to go.

Question. From whom did you hear that?

Answer. From Mr. John Harrill.

Question. The gentleman who has testified here to-day?

Answer. Yes, sir.

Question. Whom did he tell you he heard it from?

Answer. He never said. He had been down to Spartanburg or somewhere down there, and had heard it.

Question. This affair in regard to Biggerstaff has been going on for some time?

Answer. O, yes, sir.

Question. And has created a good deal of feeling?

Answer. Yes, sir.

Question. There have been a great many prosecutions of one kind or another growing out of it?

Answer. Yes, sir.

Question. And Mr. Justice was counsel in these prosecutions growing out of this affair?

Answer. Yes, sir.

Question. What did Harrill tell you about the raid he was on?

Answer. He said he had been on three, I think, and, it may be, helped to whip some parties. They inflicted two punishments on one negro; they whipped him twice.

Question. What did they whip him for?

Answer. I do not know what they whipped him for the first time; but I was told that after that whipping the negro had said that it was Colonel Tanner and some one else who had whipped him, and that he allowed he would burn them out for it. I did hear that the first time they whipped him it was for taking up with some white women, and after they whipped him the first time, he said that it was Colonel Tanner and some one else that did it, and he allowed he would burn them out for it. Then they went back and whipped him again. I was told that by a member of the order.

Question. By Harrill?

Answer. No, sir; by Gaither Trout.

Question. Did Harrill tell you also?

Answer. He told me about being along; but I don't remember whether he told me that; I think he did.

Question. This McGahey or Biggerstaff affair was about the beginning or the origin of all these troubles?

Answer. The raid on McGahey was the first raid that was made; and there were raids after that on some negroes in the county. The next, I think, was the raid on Biggerstaff.

Question. The Biggerstaff affair made a great deal of noise in the county?

Answer. Yes, sir.

Question. Biggerstaff was with McGahey when he pursued the parties who were at his house?

Answer. Yes, sir.

Question. And subsequently the same parties or other parties made an attack on Biggerstaff?

Answer. Yes, sir.

Question. Growing out of his being in company with McGahey, and his advising or aiding in the death of De Priest?

Answer. Yes, sir; I think that was a part of it.

Question. Was not this McGahey and Biggerstaff affair the origin of all the trouble you have had?

Answer. Right smart of it, I should think.

Question. People took sides about the matter?

Answer. Yes, sir.

Question. And the quarrel extended and grew?

Answer. Yes, sir.

Question. The attack upon Justice grew out of the fact that he was an attorney in prosecuting parties on account of their attack on Biggerstaff?

Answer. I did not understand it in that way.

Question. You said he was counsel in the case?

Answer. He was.

Question. Did he not use some very harsh language during the trial?

Answer. I don't know whether he did or not; I never was there at any of their trials.

Question. Have you not heard it spoken of?

Answer. Yes, sir; I think I have. He used harsh language toward the Ku-Klux all the time, in or out of the trial.

Question. When they took Justice out, did they not upbraid him for using that sharp, denunciatory language?

Answer. I recollect hearing a man say they had said that if he did not quit having innocent men punished, they would kill him the next time they came. He said he heard that.

Question. Do you not know that that is what those men told Justice?

Answer. No, sir; I do not know it.

Question. Did you not hear it?

Answer. I heard it.

Question. Did you hear it from Justice?

Answer. No, sir; I heard it from a man named James Andrews. He said he heard it. I don't know who he heard it from, whether he heard it from Justice or not.

By Mr. POOL:

Question. You understood that they went to destroy the Star office also that night?

Answer. No, sir; I did not understand they were going to do that.

Question. What had the Star office to do with the Biggerstaff matter; anything?

Answer. I don't suppose it had, only it published everything that was done.

Question. Did not the other paper publish everything that was done?

Answer. Yes, sir. One was in favor of one side, and the other in favor of the other side as much as possible.

Question. You said that Mr. Justice was counsel for Mr. Biggerstaff. Do you know that?

Answer. I know he was in this McGahey affair. Biggerstaff was along when they followed up some fellows. They tried Biggerstaff, and Justice was counsel for him at that time, and I think he was all along.

Question. Did Justice have anything to do with the investigation that occurred in regard to the parties that made the first raid on Biggerstaff?

Answer. I reckon he did; I don't know.

Question. Was he counsel against the parties who were in the second raid on Biggerstaff?

Answer. He was counsel first for Biggerstaff about the McGahey raid. I heard him make a speech in court.

Question. Was Mr. Justice prosecuting the Ku-Klux who made the first raid on Biggerstaff?

Answer. I don't know that I can say.

Question. Were you in town?

Answer. No, sir; I was not in town. I cannot say, except from hearsay.

Question. Have you any idea that these Ku-Klux operations were gotten up in that county in consequence of the McGahey affair?

Answer. At the start?

Question. Yes, sir.

Answer. I do not think it was on that account.

Question. Do you suppose that one-tenth of the troubles you have had in Rutherford had anything at all to do with Biggerstaff and McGahey?

Answer. I do not think they had; I don't know, though. Those were the first troubles, and it appeared that one trouble brought on another.

Question. Was not the spite against Biggerstaff because their chief was killed by McGahey?

Answer. I think that was one spite; and he was said to be the operator against them. He was along the night when the parties that abused McGahey's family were hunted for.

Question. You think the spite against Biggerstaff was because De Priest was a member of the order and a chief?

Answer. Yes, sir.

Question. From which direction was this order introduced into Rutherford; was it from Cleveland?

Answer. I do not know; I think it was brought from Gaston County. This man De Priest, they told me, was the first man that ever brought it into our county. He

had been living down in Gaston six months or a year before that. He has a sister there.

Question. You understood he brought it from Gaston?

Answer. Yes, sir.

Question. Gaston borders on Cleveland, on the other side from Rutherford?

Answer. Yes, sir. I think that Decatur De Priest had a falling out with a negro—old Nelson Birge's son. He struck the negro in some way and had to leave. He went off into Gaston County and staid there five or six months. Then he came back and organized that Klan, and went and whipped the negro's father.

Question. Did he take the Klan along with him to do that?

Answer. Yes, sir; he had seven or eight with him, may be more. That is what I heard about it. I don't know it to be true.

Question. That was the first operation of this order in that county?

Answer. Yes, sir.

Question. The next operation was on McGahey's family?

Answer. Yes, sir.

Question. Then McGahey killed De Priest?

Answer. Yes, sir.

Question. And they accused Biggerstaff of helping McGahey to get away?

Answer. Yes, sir.

Question. And of advising him to kill the man that outraged his wife?

Answer. I think so.

Question. And then about six months afterward they reorganized the Klan in the county and commenced operations, whipping negroes and others, and finally got a crowd from Cleveland to go and attack Biggerstaff?

Answer. I don't know that it was from Cleveland.

Question. They got a crowd to attack Biggerstaff?

Answer. Yes, sir. I don't know that it was from Cleveland, but I believe it was.

Question. You say that the De Priest who initiated you told you that the killing of Decatur De Priest, their former chief, had put back their organization about a year in that county?

Answer. Yes, sir.

Question. And that now it was reorganized?

Answer. Yes, sir.

Question. Was the De Priest who told you this a relative of the De Priest who was killed?

Answer. Yes, sir; he was an own cousin, I think.

Question. Have you any doubt that the purpose of this organization was mainly against the republican party, and to influence the elections?

Answer. I think it had a political view—to intimidate the negroes. That is my opinion of it.

Question. Do you mean to intimidate them and keep them from voting?

Answer. Yes, sir; to keep them from voting.

Question. Then what did they whip white men for?

Answer. They whipped them for taking sides against them.

Question. For trying to encourage the negroes to vote?

Answer. Yes, sir; I think so; and then they would whip people for taking up with negroes, or doing anything that the civil law could not arrest them for. If a white man would take up with a negro, they would whip him whether he belonged to any party or not.

Question. When you say they would not let any white man "take up" with a negro, what do you mean?

Answer. I mean they would not let whites and negroes live together as man and wife.

Question. Is Mr. J. B. Eaves a leading man in that county?

Answer. Yes, sir; he is one of the leading men.

Question. Is he a man of character?

Answer. Yes, sir; good character.

Question. Have you ever heard anything against him?

Answer. No, sir; not a thing.

Question. Is he a man of as high standing as anybody in the county?

Answer. Yes, sir.

Question. Is Mr. Carpenter a man of character?

Answer. Yes, sir; I believe so.

Question. Have you ever heard anything against his character?

Answer. No; nothing but that he would get drunk once in a while.

Question. He is the editor of a republican paper there; is he not?

Answer. Yes, sir.

Question. You say that Judge Logan read those affidavits to you?

Answer. A part of them—what concerned the McGahey raid. I did not know any-

thing about it until he did so; and he said that I would be asked about it, and he would show me the affidavits and the signatures, so that I could be posted.

Question. Did he post you about anything except that?

Answer. No, sir; nothing else.

Question. He had an affidavit setting forth the facts in the McGahey matter?

Answer. Yes, sir.

Question. You say that Mr. Eaves, a son-in-law of Judge Logan, executed the subpœna sent out for you by the committee?

Answer. Yes, sir.

Question. He had been here to testify?

Answer. Yes, sir.

Question. They told you there would be some questions asked about the McGahey matter, and that is the reason you were posted on that?

Answer. Yes, sir.

Question. Was Mr. Eaves present when Judge Logan read these affidavits to you?

Answer. No, sir.

Question. Do you know whether there were any operations during your last superior court, in the way of initiating men into this order?

Answer. I think there were.

Question. Why do you think so?

Answer. I was told of a man's being sworn in in the street during court week. I was told by a member of the order, I suppose.

Question. Who was it that was operating in that way, in getting men sworn in?

Answer. Witherow was the one I heard of.

Question. Did you hear of many men being sworn in during court week, or solicited to join?

Answer. Yes, sir.

Question. Who was stirring up that matter?

Answer. I never could get at that exactly, but I think that Witherow was the one who initiated them.

Question. Was he chief?

Answer. Yes, sir.

Question. Chief of that den?

Answer. Yes, sir. I don't know, but I suppose that he was influenced by some of those fellows from Cleveland to do it.

Question. Did you hear he was?

Answer. No, sir; I did not.

WASHINGTON, D. C., *July* 22, 1871.

JAMES L. GRANT sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you live?

Answer. In the county of Rutherford, State of North Carolina.

Question. How far from Rutherfordton?

Answer. About twenty miles.

Question. In what direction?

Answer. Up in the mountains—west from Rutherfordton.

Question. What is your age?

Answer. I will be twenty years old the 13th day of next November.

Question. Is your father living?

Answer. Yes, sir; he is living.

Question. Do you live with him?

Answer. Not now. I live in Rutherfordton; I have been living there for the last week or so.

Question. Have you gone to live there as your home?

Answer. Yes, sir; I expect to live there all the time now. The Ku-Klux have threatened to kill me, and I had to leave home for fear they would kill me.

Question. Is your father a farmer?

Answer. Yes, sir.

Question. You have left your father's home and gone to Rutherfordton in consequence of these difficulties?

Answer. Yes, sir.

Question. Have you belonged to this order called Ku-Klux?

Answer. Yes, sir.

Question. What do they call themselves?

Answer. Invisible Empire of America.

Question. When did you join the order?
Answer. Something like three months ago.
Question. About the latter part of April?
Answer. Yes, sir.
Question. Where did you join it?
Answer. I joined it up on a place called Young's Mountain, in a still-house.
Question. Was there a meeting there?
Answer. Yes, sir; there was a meeting there that night for the purpose of taking in several.
Question. What did they call it—a "den?"
Answer. Yes, sir; they called it a "den."
Question. How long had that den been organized before that time?
Answer. That was the first time they had organized it; they organized it that night.
Question. Did they choose officers at that meeting?
Answer. Yes, sir.
Question. Who was chosen chief?
Answer. William Edgington was chief.
Question. Did they have other officers besides the chief?
Answer. They had some that they called councilors; they had four councilors.
Question. Can you tell who were the councilors?
Answer. Simpson Gilbert, James Gilbert, Merritt Noblit, and John Thompson; they were the ones appointed the council that night, and the next meeting they put in Jonathan Whiteside as one of the council.
Question. That made five?
Answer. Yes, sir.
Question. Did they have any officers besides the chief?
Answer. They had not elected any other officers when I quit them. They were going to have some they called the "grand monks;" I do not know who were put in for grand monks.
Question. Did they administer an oath to you?
Answer. Yes, sir.
Question. Who did that?
Answer. William Edgington—he and Tom S. Ellet.
Question. Can you state what the oath was?
Answer. No, sir; I don't know the oath.
Question. You took it?
Answer. Yes, sir; I took the oath, but I never learned it.
Question. Can you tell any of it?
Answer. No, sir; only a word or two.
Question. Was there anything in it about politics or political parties?
Answer. Yes, sir. We were to hold to the Ku-Klux party and denounce the radical party.
Question. Was there anything in the oath about keeping all the doings of the society secret?
Answer. Yes, sir.
Question. What did you swear about that?
Answer. We all swore we were never to divulge anything—no secrets and no signs.
Question. What was to be done to you if you did divulge?
Answer. The rest of them were to kill us; we were sworn to do that; and then it passed along among them that if any of them in our den divulged anything they were to strip him, tie rocks to him, and sink him into a mill-pond, or some deep hole where he would never be found. Five or six were to be counted out of the den to go and do this.
Question. Were you to obey all orders?
Answer. Yes, sir; we were to obey all the orders.
Question. Who was to give the orders?
Answer. William Edgington.
Question. The chief?
Answer. Yes, sir.
Question. Did you know what the duty of this council was?
Answer. When the chief or anybody else wanted anybody whipped or killed, the council was to sit on it and decide what to do with him—whether to whip him, or kill him, or hang him, or gut him, or cut his throat, or drown him, or anything.
Question. This committee decided what should be done to a man?
Answer. Yes, sir.
Question. Who was to give the order to have it done?
Answer. Edgington was to give the order.
Question. The chief of the den?
Answer. Yes, sir.
Question. How many were present at that meeting, do you think?

Answer. About thirty-five the first night, as nigh as I can tell—something over thirty.
Question. Did they have any disguises?
Answer. Yes, sir; they had three.
Question. Were they all to have disguises?
Answer. Yes, sir; they were all to have disguises; that is, to have their head and horns; and then they were to have a gown made to wear.
Question. Who was to get these disguises; was each man to get one for himself?
Answer. Each man was to get one for himself.
Question. Did you get one?
Answer. No, sir; I never got one.
Question. Did the rest of them get some?
Answer. No, sir; nobody ever got any only these Edgington boys; they had all got one apiece.
Question. Before?
Answer. Yes, sir; they got them before that den took place. This den was organized, and was going to whipping right off; but William Edgington, the chief of the den, told them one night that Fayette Eaves had sent him word not to whip anybody or pester anybody till he gave orders.
Question. Who was Fayette Eaves?
Answer. He was chief of the county; so William Edgington told us.
Question. Did you ever attend any meeting besides that one?
Answer. No, sir.
Question. Do you know whether that den had meetings afterward?
Answer. Yes, sir; they had two more meetings, I think, after I left them.
Question. But you did not attend any more yourself?
Answer. No, sir. They had two other meetings at Whiteside's.
Question. Why did you not go?
Answer. Because I did not believe in them, and I had quit them.
Question. You did not like the organization?
Answer. No, sir; I did not like it, when I found it out. I did not believe in whipping a man that I had nothing against, and persons with no arms of any description; and I told them I was going to quit them.
Question. When you found out the business of the organization, you ceased to have anything to do with them?
Answer. Yes, sir. When I found out the obligations of the order, I quit them.
Question. Did you ever go on any raids?
Answer. No, sir; I never went on any raids at all.
Question. Do you know whether any of those who belonged to this den that you joined, ever went on any raids?
Answer. No, sir; I do not know for certain whether they did or not.
Question. You never heard any of them say whether they did or not?
Answer. No, sir.
Question. Do you know whether there were any other dens about in your part of the county?
Answer. I do not know that there are. They report that there are several round there.
Question. Did you ever hear it from any of the members?
Answer. Yes, sir; I heard William Edgington say there was a den over in Polk County. He lives in that county, and he said there was a den right near him.
Question. Does Polk County lie west of Rutherford?
Answer. Yes, sir.
Question. He lived over the line?
Answer. Yes, sir; he lived over the line, on the edge of Polk.
Question. Did you know anything about other dens in your own county?
Answer. No, sir; I did not, only as he told me. He said there was a den on the other side of me—in Mumford's Cove.
Question. Did he tell you who was the chief of that?
Answer. He said Aden Rucker was the chief.
Question. You saw the disguise that Edgington had?
Answer. Yes, sir. I never was at any other den, except that one.
Question. What kind of a disguise was it?
Answer. They were red and white; the eyes and mouth were bound with white, and the horns were white.
Question. There was a sort of a cap with a covering to come down over the face?
Answer. Yes, sir.
Question. Did they have a kind of gown or robe?
Answer. Yes, sir; they had a red gown which came to near their ankles.
Question. That was separate from the cap?
Answer. Yes, sir.
Question. Did you ever see any other disguises except those?

Answer. Yes, sir; I saw Joe Gilbert and Jim Cantrell disguised one Sunday night.
Question. Was their disguise the same?
Answer. I was up at Lum Smith's. They came by there at night, with their disguises on.
Question. Were their disguises like those that the others had?
Answer. Yes, sir; the same sort.
Question. To what den did they belong?
Answer. The same den I did. They were the same fellows the Ku-Klux turned out of Marion jail. They were put in jail for a raid they made on that road.
Question. Whom did they make the raid on?
Answer. Mrs. Murphy.
Question. What did they do with her?
Answer. They cursed her right smart, and got on the horses and rode them off up the road. She followed them and tried to beg them to get off. They rode them off about two miles—a mule and a horse—and then turned them loose in the road and let them go home.
Question. Who was Mrs. Murphy?
Answer. She was Burt Murphy's widow.
Question. A white woman?
Answer. Yes, sir.
Question. What had they against her?
Answer. Because she believed with the radical party.
Question. Was there anything else against her?
Answer. Nothing that I know of. She had been accused of having black men lying around there and staying. One staid all the time. He always did before Mr. Murphy died. He just staid on.
Question. He lived there?
Answer. Yes, sir. They got such a talk about his being too thick with her that he left and went to Kansas. Whether the report was true or not I cannot tell you.
Question. Were there any other raids besides that in your part of the county?
Answer. No, sir; there was no other raid except that one. There were just four fellows in that.
Question. And they were arrested?
Answer. They were arrested in a few days after they made the raid, and put in jail at Marion.
Question. Were any arrested besides them?
Answer. No, sir, no more.
Question. How did they get out of jail?
Answer. The Ku-Klux went and turned them out, something like four weeks ago.
Question. How large a body of Ku-Klux went and turned them out?
Answer. I think about nineteen or twenty-two, I forget which; somewhere about there, more or less.
Question. Do you know where they went from or who they were?
Answer. Well, I met a fellow the other day in Rutherfordton, who said that Edgington, and two of Jonathan Whiteside's boys, and Dr. McBrayer were in it, as he supposed. Jonathan Whiteside's boys were from Rutherford county; Edgington was from Polk; and Dr. McBrayer was from Rutherford. Dr. McBrayer said that he and the other three were in it.
Question. Did this man who told you this belong to the order?
Answer. Yes, sir. The United States troops went and took him up and fetched him to Rutherfordton; and when he came down he told all he knew about it.
Question. Did he go on the raid to Marion jail?
Answer. No, sir, he did not; he said he was not able to go.
Question. He belonged to the order?
Answer. Yes, sir.
Question. And he knew all who did go?
Answer. He knew of those four that went. He said he supposed a part of the balance came from South Carolina.
Question. A part of the men who went to the jail?
Answer. Yes, sir.
Question. In what county is the jail?
Answer. In McDowell County.
Question. Have you had any talk with any other members of any den?
Answer. No, sir.
Question. None besides those you have named?
Answer. No, sir. I never had any talk with any other den at all, only these two.
Question. This organization was to act against the radical party, you say?
Answer. Yes, sir.
Question. To what party did the members belong?
Answer. Some of them were conservatives, and some of them of the radical party.

Question. Did some of the radical party belong to the order?
Answer. Yes, sir; there were a good many republicans belonged to it.
Question. Are they republicans now?
Answer. Yes, sir.
Question. Why did they want to join an order that was going to act against the radical party?
Answer. They only joined it for fear they would be whipped or molested in some way; and some of them only joined it to get to run their stills, and make money that way—to run stills without paying taxes.
Question. Do they consider that they can run their stills without paying taxes if they belong to this order?
Answer. Yes, sir; they consider that they can run their stills without paying taxes, if the Ku-Klux party would be in power; that they would put down the revenue, so that they could just run their stills publicly, and would not be interrupted.
Question. Is that the understanding down there—that men can run their stills without paying taxes if they belong to this order?
Answer. Yes, sir.
Question. What party seems to be in favor of this Ku-Klux organization
Answer. Well, the conservative party seems to be in favor of it.
Question. Is the republican party generally in favor of it?
Answer. Yes, sir; some of them are, and some of them ain't; those that are running their stills are in favor of it.
Question. As a party, are republicans generally in favor of it?
Answer. Yes, sir; they are generally in favor of it—some of them are.
Question. You said that some of them are in favor of it, because they wanted to run their stills?
Answer. Yes, sir.
Question. But how is it with those that have not any stills to run?
Answer. They are not in favor of it; they don't attend it much; they don't have much confidence in it; they just belong to it to keep from being interrupted in any way.
Question. You mean those that do belong to it?
Answer. Yes, sir.
Question. The members of the radical party who do not belong to it, how do they talk about it?
Answer. They talk mightily against it; they do not believe in it at all.
Question. If there are any radicals that belong to it, it is your opinion they joined it so as not to be disturbed by it?
Answer. So that they would not be disturbed no way at all.
Question. And so as to run their stills in safety?
Answer. Yes, sir.
Question. Did you know anything about this raid at Rutherfordton on Mr. Justice?
Answer. I never knew anything about it until after it was done.
Question. Did you hear any of the men who were engaged in it talk about it?
Answer. No, sir. I never heard any talk about it at all.
Question. You never heard any of the men who were engaged in it say anything about it?
Answer. No, sir.
Question. How do the colored people feel in regard to this order?
Answer. They are all against it, all round the den that I belonged to.
Question. So far as you know, they are all opposed to it?
Answer. Yes, sir; all opposed to it.
Question. What sort of friends are the Ku-Klux organization to the colored people?
Answer. They ain't any friends to them at all.
Question. There is great feeling of hostility between the colored people and these Ku-Klux?
Answer. Yes, sir.
Question. Are the colored people afraid of them?
Answer. Yes, sir; some of them are and some of them ain't.
Question. Up in your part of the country the Ku-Klux have not done much; the only raid you know of in your county is that on Mrs. Murphy?
Answer. That is all the raid I know of that has been done in our country there.

By Mr. BLAIR:

Question. Is this organization intended to prevent the negroes from pilfering and stealing?
Answer. Yes, sir; to keep them from preaching, or holding office, or stealing, or anything at all that way.
Question. Are any negroes in office there?
Answer. No, sir; none are in office about where I live. Some are in office, they said,

about Rutherfordton; some have been put in some kind of offices; I don't know what. They wanted to get all of them out of any office at all, so that they could get in office themselves.

Question. The negroes are all rather fond of pilfering and stealing, are they not?

Answer. Most of them; a good many are given to stealing.

Question. The object of this organization was to prevent that?

Answer. To put it down.

Question. Was that the principal reason for which your people were organized, to protect themselves from the stealing that was carried on by the negroes?

Answer. To protect themselves from stealing. If they heard of a man stealing anything, and found out for certain it was him, they were to go and whip him for it, make him own it if they could, and if they could not, they would whip him a little anyhow.

Question. You never went out on one of these raids?

Answer. No, sir; I would not go.

Question. They did not have any raids up by you?

Answer. No, sir; they had a meeting once to go to Marion and turn those fellows out, and none of them hardly would go. They said those fellows had gone against orders, and they would not protect them. Those four that went on that raid to Mrs. Murphy's just got drunk one Saturday and took up the raid themselves; never let any of the rest of the den know anything about it at all.

Question. Those men were imprisoned at Marion?

Answer. Yes, sir.

Question. Your people would not go to release them?

Answer. No, sir. When these troops came to Rutherford they were afraid they would run them off somewhere where they could not get to them, and I suppose some of them went; but most of them, I suppose, came from South Carolina. Between eighteen and twenty-two went up and relieved them.

Question. How came you to be summoned here?

Answer. Judge Logan sent a summons for me. Justice, and Carpenter, and he fixed it up among themselves.

Question. Those three fixed the matter up?

Answer. I reckon they fixed it up; I got a summons from them to come.

Question. Did you have any talk with Judge Logan before you came here?

Answer. Yes, sir.

Question. What did he say to you?

Answer. He never said much of anything.

Question. Did he tell you what he wanted you to swear to?

Answer. No, sir; nobody ever told me what they wanted with me.

Question. Did you make a confession before you came here?

Answer. Yes, sir.

Question. You confessed that you had belonged to this order?

Answer. Yes, sir; I confessed I belonged to it, and told him who had belonged to it, and all I knew about it.

Question. I understood you to say that the particular organization you belonged to never committed any outrages?

Answer. No, sir; they have never been on any raids or done any damage at all, except those four that went to Mrs. Murphy's.

Question. You did not go with them?

Answer. No, sir.

Question. Those fellows were drunk?

Answer. Yes, sir; they were all drunk. One of them lost his hat in the horse-lot; it was a white hat, and had his name on it. Mrs. Murphy got hold of that.

Question. Those men were arrested?

Answer. Those men were arrested and taken up in a day or so. It was Saturday night when they went on the raid, and they were taken up Thursday morning.

Question. You went down to Rutherfordton to make your confession?

Answer. Yes, sir.

Question. What induced you to do that?

Answer. Because I did not believe in this thing, and I thought that the head leaders of it, the ones that started it, ought to be punished.

Question. They had not done anything according to your account?

Answer. They had not done anything, of course; but then they ought not to have made preparations for it.

Question. Did you not make as much preparation as they did?

Answer. No, sir; I just sat and listened at the balance. I had nothing to say or do with it. When I got to find out their business I quit them—would not listen to them or have anything to do with them.

By the CHAIRMAN, (Mr. POLAND:)

Question. These men who belonged to this order, the Invisible Empire, what objection had they to the negroes having meetings and preaching?

Answer. They did not have much objection to it, only they said they did not believe that the black people ought to be allowed to preach. Some of them thought that; and some of them said they ought to be allowed to have a preacher of their own, and that the whites ought not to be allowed to preach to them. Some of them thought they ought not to be allowed to preach at all.

Question. Had this society any objection to colored men voting the radical ticket?

Answer. No, sir; no objections to it; they never said anything against it.

Question. I thought you said the object of the order was to help the democratic or conservative party, and to put down the radical party.

Answer. Yes, sir; it was to put down the radical party; but they never said anything about their voting, or anything at all.

Question. But the object of it was to put it down?

Answer. To put it down.

By Mr. COBURN:

Question. Did you go to live in Rutherfordton because you were afraid of being Ku-Kluxed?

Answer. Yes, sir; I went there for fear they would kill me; I knew they would if I staid at home, and I went there to keep from being killed.

Question. Were there any other persons there for the same reason?

Answer. There are no others there now; they all went back home.

Question. What is the reason they went home?

Answer. You see they have got these Ku-Klux all taken up around there, and there is not any danger now.

WASHINGTON, D. C., *July* 26, 1871.

NICHOLAS W. WOODFIN sworn and examined.

The CHAIRMAN, (Mr. POOL.) This witness having been called by the members of the minority, he will be first examined by them.

By Mr. BLAIR:

Question. In what part of the State of North Carolina do you live?

Answer. I live in the county of Buncombe.

Question. In what town?

Answer. Asheville.

Question. How long have you resided there?

Answer. I was born and raised in Buncombe County; I have lived in Asheville since 1831.

Question. What public positions, if any, have you held?

Answer. Well, I have never held any public positions, except that I have been a member of our State senate in years gone by for several years; I was ten years a member of our State senate, from 1844 to 1854; and I was a member from our county of the secession convention in 1861.

Question. State, if you please, what is the condition of your State at present, and especially that portion of it in which you reside, in regard to the safety and security of person and property, and the execution of the laws?

Answer. Well, I should premise by saying that I have not attended my former circuit as a lawyer regularly since the war, and, for some short time before, I went to but few courts besides my own. I have been engaged in business that has taken me much out of the State for the last two years, or a year and a half. But from the knowledge I have been able to obtain of that immediate section of country, I do not think there is any want of security to life or property.

Question. What is the circuit in which you practice; did I understand you to say that you practiced now?

Answer. I practice in what was formerly the western circuit. I take now part of the two circuits farthest west. Buncombe court is the only one I have attended regularly since the war. I have gone to Haywood County to attend to a particular case; and I have attended two weeks court in Henderson in some capital cases, two years ago; and I have attended one term in the county of Transylvania. My partner attends those counties and the adjoining counties regularly, and we keep up a practice in those counties, including Yancey and Madison as well.

Question. Do you practice in Rutherford County?

Answer. No, sir; I have not attended Rutherford court for fifteen years or more; I have not been at Rutherford for more than fifteen, I guess. That is southeast of me, on the eastern side of the Blue Ridge, and now in a different circuit; it was once in my circuit.

Question. What do you know of the existence of organized bands of disguised men whose object is to violate the law?

Answer. I have no sort of personal knowledge of them; I perhaps am not in a place where I would be likely to know much of them. I would not be likely to be intrusted with the secrets of that sort of thing at my time of life; I suppose those who are in it would take younger men if they wanted partisans. I have no earthly knowledge of their existence, except from hearsay; and I suppose you have much more knowledge of that than I have, having seen so many persons from different parts of the South. I have never seen any one who admitted that he belonged to the order, though I know several who I understand from hearsay and report do belong to it.

Question. Do you know, or have you heard, of any disturbances in Rutherford County?

Answer. Yes, sir; I have heard a great deal of them for the last few months; until then I had not heard much. Higher up in the State, and over in Cleveland and Catawba Counties, I had heard of the difficulties there, but less in Rutherford, until recently. I have now been away from home for nearly two months. It may have been three or four months since it commenced to become troublesome in Rutherford. The first trouble in Rutherford that made any decided stir in my part of the country was the killing of some parties who were supposed to be witnesses against some depredators; I believe it had nothing to do with politics. There was some outrage of that sort committed upon some negroes—I am not sure whether they were negroes or white people—who were to be witnesses in the court of McDowell against some offenders, about some liquor-stealing, may be. Those people killed in a very cruel manner some negroes; I believe that was not attributed to any political feeling at all.

Question. Who were the parties implicated in that?

Answer. I do not so much as remember the names now; they were imprisoned, I believe, and have been carried now from McDowell court to the Federal court at Raleigh; I have understood from the papers that they were transferred to Raleigh in the Federal court.

Question. Do you know how those difficulties originated, or when they commenced, in Rutherford?

Answer. No; I do not. I do not now remember that anything that was attributed to political differences existed there until this outrage upon Justice and his office. That took place about the time I left home. I have been at New York now for several weeks on some business for my railroads. I heard much of it before I left home, and much of it from people passing backward and forward, of whom I saw a great many.

Question. He was counsel, I believe, in some cases?

Answer. Justice?

Question. Yes.

Answer. I had not understood that; I do not think he is a practicing lawyer.

Question. He was engaged in some prosecutions against these parties.

Answer. It may be; but I understood he was the editor of a newspaper. He is a member of the legislature of our State, and I do not think he is a practicing lawyer. There is a Justice, a nephew of his, I think, who practices law there.

Question. That is the man himself; he has been before the committee here.

Answer. Then I mistake the man; I thought it was the uncle, the older man, who was in the legislature; the practicing lawyer is a young man—quite a young man.

Question. This man is a practicing lawyer upon whom the outrage was committed, as he himself testified before the committee.

Answer. Of what age, probably?

Question. I suppose thirty-five or so.

Answer. I do not know him personally.

By the CHAIRMAN, (Mr. POOL:)

Question. J. M. Justice, of the legislature, is the man upon whom the outrage was committed.

Answer. I did not know he was a lawyer; I took him to be a brother of this young lawyer's father; he may be practicing law now, though; I do not know. I think I have not been in Rutherford for fifteen or sixteen years; may be quite sixteen.

By Mr. BLAIR:

Question. You have none of these troubles in your county?

Answer. No, sir—well, I do not know that I should say none. Near the line of Yancey County, within the county of Buncombe, I think, it was alleged that an act was committed upon an old woman by disguised men. I defended the parties defendant. I suppose that grew out of a dispute about some land title altogether; nothing about politics. As I understand, some disguised men whipped this old woman; and in an adjoining county, Madison, close to that neighborhood, Judge Henry told me some time since, as he went home from court, that he had arrested some two or three men for whipping two negroes; I believe one of them was a member of the republican party, and the other a member of the democratic party. They proved an alibi, and the judge discharged them. Whether they got hold of the real offenders or not I do not know. I was not at home at our last court, and I do not know whether they got them or not.

Question. You say that of the offenders in that case one belonged to each political party?

Answer. So I understood; I heard it in the neighborhood there from several persons.

Question. Have you heard anything of this Biggerstaff case in Rutherford?

Answer. Yes, sir; that preceded the Justice case, I think. I heard a great deal about that, but nothing that could possibly be evidence; I have it only from rumor. I saw the assessor from my county, Mr. Deaver——

Question. I wish to state to you, in reference to this matter of testimony, that the committee do not require a man to speak only from his own knowledge; he can speak from information in which he has confidence, and upon which he places reliance.

Answer. Well, I heard persons who had been over there—Mr. Deaver and others, who had been over there in reference to some distillery taxes, &c.—speaking of the Biggerstaff case, as well as of the murder of this man and his family. I do not remember the origin of the Biggerstaff difficulty—that is in the course of investigation, though, in the courts. I am sure they would be able to elicit the facts more fully than I know them. I understand he was very badly abused, very badly beaten, and that his life was despaired of for a while, but I understand he has since recovered. I do not know that I heard the cause of the attack on him; I think there is a difference of opinion about that. But he was badly abused, as it seems to be admitted by all. I think I have understood that he had been an active republican, an active partisan in elections, &c. I think I once knew Biggerstaff when I attended that court, but I am not sure it was the same man; I knew several men of that name.

Question. Do you know anything about an affair which occurred in McDowell County, which is one of the counties in which you practice—the liberation of some prisoners there?

Answer. No, sir; I know what is said about it. Judge Henry wrote me since I have left home that they had turned out some prisoners; I have understood that they turned out prisoners from there, I think, since I left home. I reckon it is certain they did turn them out, and I understand it was by disguised men; whether those men came from Yancey, where it is reported there is an organization, or from Cleveland, or Catawba, or Rutherford, I do not know. I never had supposed there was an organization in Rutherford until I heard of this difficulty with Justice. I had supposed that the farthest west they had gone was in Cleveland, except near the State line of Tennessee and South Carolina. It has been reported that there was an organization in Yancey County; and it was supposed those of that organization had come across into Buncombe and into Madison and committed those offenses of which I have spoken. I have not been to the Yancey court since the war; my partner attends there. They have thrown the courts so as to conflict, so that we cannot attend the counties as we formerly did: they do not come on the same weeks.

Question. Who is the judge in your circuit?

Answer. Judge Henry is in the circuit in which I immediately live; Judge Cannon is west of me, and in three counties in which I formerly practiced—Haywood, Henderson, and Transylvania. Judge Cannon holds those courts west and south of us; Judge Henry holds north and northwest of my place, but he lives at my town.

Question. Is there any obstruction to the execution of the process of your courts, or any difficulty in bringing persons to justice for crimes?

Answer. I think not; no resistance to process certainly that I have heard of. I do not think that there is any general complaint of a want of fairness in our juries in rendering verdicts. If there is any defect, I suppose it all grows out of the want of testimony. The difficulty of obtaining testimony in certain offenses has been complained of in those localities of which I have spoken. But in my particular county I do not think such a difficulty exists, nor in Henderson, nor Haywood, nor any of the other counties. I have not heard it alleged that there was any difficulty in obtaining justice in those counties. Well, in Madison County, our solicitor, Mr. Lusk, who has been before you, by the way, complained that he could not get witnesses in Madison to go before the grand jury, or could not get the grand jury to find bills in some cases of this sort. I have heard that statement, too, from others, that bills were not found. Different persons attribute it to different causes; some of the lawyers who practice down there think it is because the witnesses do not know, while it is alleged by Mr. Lusk and others that it was because they would not tell what they know. In the county in which I live I do not think such difficulty exists. With individual jurors, or with individual members of the grand juries, there may be more or less prejudice against men on account of color; but I think it is confined to a very few men of narrow minds. I have defended a great many negroes there since the war, and I have not found any difficulty in getting fair play and fair jurors. I have never found one of those I defended who would put a negro on the jury; they always want white jurors; I have defended some of them for their lives in that county; some of them had their cases removed from Yancey, because of the fear of not getting a fair trial there—three capital cases that I know of.

Question. It has been testified here before the committee by several witnesses that

these troubles originated for the purpose of deterring republicans, and negroes especially, from voting.

Answer. Yes; I have heard that alleged.

Question. How is the fact in your district in reference to that?

Answer. In my particular part of the country there is no interference with their voting. They generally assemble by common consent near the different poll-boxes, march up in line, and deposit their ballots as they pass by; and I think no one would risk interfering with them in any way. Two years ago and more we had a serious difficulty got up on the day of election there, in which one man was killed and a great many others wounded; a serious fight took place at the place of election.

Question. In Buncombe?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POOL:)

Question. In Asheville?

Answer. Yes, sir. There was one negro killed who had behaved himself very badly. He and a white man behaved very badly all day, each trying to get up a general difficulty, as we call it. He and two or three other colored men, and this white man and another white man, were quarreling, and each had clubs and were walking up and down the streets menacing the others during the day of the difficulty. They started a fight early in the day, which was suppressed by the sheriff. That quarrel kept up during the forenoon, and until, I suppose, maybe 2 o'clock in the afternoon, or later, when it culminated in a pretty general fight, firing, and throwing of stones, which lasted a minute or two only. I understood that it originated in this white man challenging the vote of a colored man inside; it was objected that he had no right in there to challenge, and he attempted to fight with one colored man in the yard afterward. They kept up that running quarrel during the day. Peaceable men saw that they were endeavoring to get up a general fight, and they tried to avoid it. During the evening one colored man voted the democratic ticket, and some of them threatened to whip him, and others to kill him, for that. They surrounded him, some of the young men, to protect him with their pistols. This negro man that was killed was one who had been in the difficulty in the morning; he was foremost in making a threat against the negro that had voted the democratic ticket. Well, I was not immediately present then; I was down at my office, had gone there a short time before; but I was back while they were fighting. I gathered this from the testimony taken; I was counsel for the white man who was imprisoned for the shooting, and the other white men who were indicted for rioting. Silas, the negro man they sought to attack, was surrounded by some white men for protection. This troublesome man, Ledford—he is a troublesome and bad man, proved to be so since—was knocked down by this negro man that was slain, as it was supposed. Ledford was on his hands and feet when the other was shot, as it appeared from the testimony. He ceased shooting, and it was thought he did not kill his adversary; that his adversary had knocked him down, and that he was shot by another man, as it was supposed. It never was ascertained by whom the shot was fired. There was a general firing; the firing was very rapid; there were eighteen colored men wounded; no white man was badly wounded; I believe one or two were touched a little in the leg, maybe. This man was shot through the head; he died that night. I got back as he was lying there bleeding; the negroes were all running away, and I met them as I was going there. A few persons pursued them a short distance, and then stopped. Two or three troublesome men of each color originated that difficulty, and prosecuted the quarrel all through the day, and seemed to be determined to get up a general disturbance.

By Mr. BECK:

Question. Did the principal causes seem to be the challenging of some colored man's vote by some white man, and then another colored man voting the democratic ticket?

Answer. Those seemed to be the two causes of the quarrel, one early in the morning, and the other later in the day.

Question. The two together brought on a fight?

Answer. They brought on a fight which seemed to be general.

Question. Can you give the date of that occurrence?

Answer. I ought to be able to; it was more than two years ago the fall court last past that the case was disposed of in court. I should say it was more than two years ago. Since that time we have had entire quiet there; each party seems to keep aloof from the other in electioneering and voting, except that the candidates go among them.

Question. Can men now vote freely, regardless of politics?

Answer. I think so; I think no one would say to the contrary there, no one well acquainted with the country.

Question. If a negro attempted to vote the democratic ticket, you say there has been a great deal of difficulty; is that wearing off?

Answer. It is. This same colored man and two others in our town vote the democratic ticket, and have voted it ever since, as I understand it; and at the last election I understood a great many voted the democratic ticket.

Question. Without disturbance?

Answer. Yes, sir; I think so.

Question. So that a better feeling is growing up on each side?

Answer. Yes, sir; I think so. They may scold a negro a little if he votes the democratic ticket, and it makes him a little unpopular with them. George, my servant, who waited upon me at the hotel a great many years, is a very good man. I talk with him a great deal, and he does not seem to be afraid; he did not from the start think there was any great danger. He thought Silas made it worse by being a little insolent, hallooing for Seymour and Blair. Some of those who wanted to get up a fuss encouraged him to halloo and huzza for Seymour and Blair, and then they set at him. I do not think either of the causes that day would alone have been sufficient to have caused any disturbance there. This man Ledford was committed, and a true bill found against him for murder. The case was removed to the Henderson court, and upon full examination, upon habeas corpus, before Judge Henry, he thought the evidence did not justify the prosecution going further, and the case went off. The case was tried before Judge Cannon; it was removed from Judge Henry's court. Upon his opinion, and that of his solicitor, Mr. Henry, his brother, who lives there—upon their opinion that it was difficult to ascertain who fired the fatal shot, they allowed the case to go off. At my suggestion, they allowed the jury to be impaneled, however, as I had witnesses there for the defense, and they allowed a verdict of not guilty to be rendered. Since that time Ledford has behaved very badly. He left the State, but after a while came back, and has been cutting up in the same way. He is not protected by any party; I believe he is denounced more on the part of the conservatives than by anybody else, because they look upon him as a disturber of the peace—as one who would bring them into trouble if he could. He has had to go away again—has left there. All the young men indicted for rioting were let off at the instance of the counsel on both sides. I appealed to the judge to stop the case with the view of allowing quiet to prevail; to let bygones be forgotten as much as possible; to permit the solicitor to enter a nolle pros.; to take a confession of submission, and to submit to a nominal fine for a riot; which they did, and paid the costs. It was approved by all the members of the bar present, I believe, with but few exceptions. They said to the court that it was the best thing, for prosecuting it would only keep up bad temper, and imprisoning them would perhaps lead to further prejudice. The judge advised it, and the solicitor took that course—took a submission, and they all paid the costs.

Question. Was the judge a republican or a democrat?

Answer. He was a republican—Judge Henry—who has been here before you as a witness, I think.

Question. Is the solicitor a republican?

Answer. Yes, sir; he has been before you also.

Question. Entries were made by the consent of the judge and the solicitor?

Answer. Yes, sir; and by the public concurrence of the members of the bar generally. Since that time we have had no disturbance there on any public occasion at all. Well, there is more disposition to conciliate the colored vote now by both parties. Since it was found that their right to vote is fixed, that it is unalterable, as they suppose, I think both parties are now seeking for their votes, and a great many of them voted on each side at the last election. I think these causes are pretty well done away with us.

Question. Are there many of your people under disabilities in your region of the State?

Answer. A good many.

Question. Is there much complaint made of the condition of your people on that account? In other words, what effect would a removal of disabilities have upon you all?

Answer. Well, I think it would have a good effect. I labor under disabilities myself, and a great many of my friends and acquaintances are under disabilities, some of whom, I suppose, would like to hold office, or at least would like to feel that they are eligible to office. I think it would do much good; I cannot see any evil that would attend it. I think it would give us a much better representation in our legislative body than we have been having in the last two meetings of our legislature. I think we had a want of experience, certainly, among legislators in our two last assemblies. We attribute much of that to the fact that those who have had experience and have had the control of public affairs in the State are almost generally under disabilities now. Comparatively few of our people have been relieved—just now and then one who happened to have made timely application, or had it made for him.

Question. Have not men who have been relieved from disabilities frequently been quite as obnoxious to all the grounds of exclusion from office as men who are yet under disabilities? Has it not been considered that the removal of disabilities has been a matter of favoritism rather than of justice?

Answer. I suppose it was because persons happened to be here, or had friends who made application earlier; I do not know. I suppose it has generally been done by persons being more prompt in making application than otherwise. For instance, Gen-

eral Clingman was relieved; he was like myself, except more effective during the war, until the final surrender standing up strong for what we supposed to be the rights of the South. I suppose he was as active as most men, and being a public man he had much influence. He was relieved; he happened to have friends here, and put in his application, and it passed through, I suppose. Judge Merriman, who was from my town, was also relieved; he is now at Raleigh. I do not know exactly how he stood during the war; there is some debate about that; but since the war he certainly has been strong with the conservative party, and against the republican party. Those are specimens; we have a few men relieved here and there through the State. I suppose it has been done because they happened to have a friend here that interposed for them earlier than the balance of us; we happened to be more negligent in applying for it.

Question. In other words, the keeping those men now under disabilities does no possible good?

Answer. I do not think it does.

Question. It keeps up bitterness and soreness?

Answer. Of course it is more or less a source of irritation to the parties who labor under it to feel that they are under a ban and not eligible to any position; that is not likely to conciliate very much; on the contrary, it is irritating to most persons, more or less. And I suppose it would be more so to the younger men especially, who are aspiring in their hopes of promotion, than it is to older people.

By the CHAIRMAN, (Mr. POOL:)

Question. Have you any idea of the extent of this Ku-Klux organization in the county of Yancey?

Answer. No, sir, I have not; I have heard it suspected that there is an organization to some extent there. I heard more of that from Major Rollins, who was with me in New York, than from any one else; he thinks it is limited in numbers in that county; that probably it had its origin in Tennessee, across the line; he thinks it is sufficiently numerous to be somewhat dangerous in that locality, but he does not think that many of our citizens are concerned in it.

Question. He thinks they come from over the Tennessee line?

Answer. Yes, sir; and probably have extended the organization on this side. He thinks there are several persons there who are concerned in it; whether it is progressing there or not I do not know; I have no opportunity to judge.

Question. This colored man you spoke of being attacked in Madison was named Brooks, was he not?

Answer. No, sir; that is another case. Brooks was attacked by the Hunnecutts; he killed one of them and crippled the other; I have heard that both died, and then I heard that but one died; I am not sure how it was.

Question. State about that Brooks case, as far as you have heard.

Answer. Well, I was asked about that in New York several months ago, and denied it; I had not heard of it at all until I went back home and inquired about it; I heard more about it then. They lived in Madison, near the State line, as I understood. The colored man was attacked by two men by the name of Hunnecutt, he and his family outraged in some way. While he was hiding from them under the bed he alleges that they made some attempt to have violent knowledge of his daughter, and he came out from under the bed and killed one with an ax, and crippled the other. What that grew out of I am not prepared to say; I understood, but I do not know what it was—I understood among several persons there that they had been a set of freebooters along the line; that they had not been opposed to this man in politics at all, but were themselves republicans. I do not know that that is so; but they were bad men, those Hunnecutts. I suppose this grew out of some prejudice against the race, not out of politics.

Question. You did not understand that was a band of disguised men that went to the house of Brooks?

Answer. No, sir; I did not understand that there were any but these two Hunnecutts; they were disguised; I do not think it was understood that there were others with them; I have not so understood it.

Question. The case you spoke of, where a body of disguised men went in a body, was a different case?

Answer. That was a different case; Judge Henry spoke to me about it first, and said that he had issued a warrant to arrest two, and the magistrate the next day would have others arrested. But I think they never identified any of them, except one of those two, and he was perfectly satisfied that that one was not guilty; that the woman was mistaken in identifying him. He was a republican, and very active against the supposed organization of Ku-Klux, this particular man that was identified; the other she was so certain about proved an alibi, and he was a democrat. I have accosted several persons from that neighborhood, and arraigned them about it for allowing such a thing. They told me that it grew out of a slander one of those negroes had made against a respectable white woman, not out of politics or anything of that sort. That was the palliation offered by some democrats I talked to, who were up at Asheville afterward, from Ivy and that neighborhood.

Question. This was up in the mountains?

Answer. In the mountain regions.

Question. And beyond the Blue Ridge?

Answer. And beyond the Blue Ridge; we have eleven counties beyond the Blue Ridge.

Question. You have had very little Ku-Klux disturbances beyond the Blue Ridge?

Answer. Very little; none that I now remember, except these instances I speak of; but whether they belonged to the organization, or were only individuals who disguised themselves and did it, I do not know.

Question. As you come down from the Blue Ridge and get to the foot of the mountains, you first strike Rutherford County and McDowell County?

Answer. Yes, sir.

Question. You have spoken of the disturbances in Rutherford County, and of the rescue of the prisoners at McDowell. Then come the counties of Cleveland, Catawba, and Lincoln?

Answer. Yes, sir.

Question. What have you heard of those counties for the last year or two?

Answer. There has been a great deal of complaint of Catawba the last twelve months or more, and more recently of Cleveland. I pass there often. I pass Newton, which is in Catawba County, and Catawba Station. I had much to do with Dr. Mott, who is president of our railroad; I am one of the directors.

Question. He is president of the road that runs through that region?

Answer. He is president of the western road; he and Dr. Powell, who was a former president of the road, live at Catawba Station. From them I heard more of this thing than from others. Dr. Mott is a republican; I believe Powell is not.

Question. What did they say about it?

Answer. Well, that they had appeared at Newton on two or three occasions; that they had run off a colored man, I believe. He lived there, and was said to be a bad man; well, in what respects bad I do not remember; but I believe no party defended him particularly. They had, in disguised form, notified him, perhaps had chased him, and he had to leave the country; they threatened him. There were some cases of whipping there a year and a half, or two years ago may be. The parties were brought up before Judge Mitchell; I believe they did not identify them sufficiently to induce Judge Mitchell to bind them over. There was one man whipped there, said to be rather a respectable, plain man, by the name of Rhinehard, I believe; it led to a great deal of disturbance at the time; I do not know if they ever ascertained the perpetrators of the offense. I do not attend that court, but I believe they were never able to ascertain the persons who committed that offense. Lincoln is the county out of which Catawba and Gaston were both made, and Lincoln is the center of the three. I know some parties said to live at Lincoln, but I do not remember to have heard of any outrage committed in the county of Lincoln itself; I do not now remember any.

Question. Have you heard of it still further down, in Alamance, Rockingham, and along there?

Answer. Yes, sir; I have heard of these things as they progressed, more especially when the military were down there. I have heard a great deal said about it, but I suppose that nothing I have heard could be information to the committee; I suppose you must have heard quite as much and from persons having a more direct knowledge of the extent of these offenses. The Stevens murder was very much talked about.

Question. That was over in Caswell County, along the Virginia line?

Answer. That was in Caswell County, near the Virginia line. And the hanging of those persons in Alamance made a great deal of talk in our part of the country. I think it was as generally condemned in my part of the country by one political party as the other. There was no toleration for it among our folks; among the most of them; there may be some exceptions. The most that I have known of that is from hearing the judges speak of it, and parties concerned in the investigation, and from reading the accounts of it in the newspapers.

Question. Do you know whether any men of character, who lead public opinion, are implicated in these things?

Answer. I have heard a great many suspicions expressed, and opinions of individuals expressed, that A, and B, and C were concerned in it; but to say that that has been well-established public opinion in regard to these persons, I cannot say so.

Question. You have no personal knowledge of any men of standing being in it?

Answer. No, sir; I have no personal knowledge of any one being in it, or else I should have spoken of it publicly long ago; I should not have favored it.

Question. What has been the behavior of the colored men in your section of the State?

Answer. It has generally been good.

Question. In those counties west of the mountains, of which you have been speaking, over beyond the Blue Ridge, there are very few colored men, are there not?

Answer. Comparatively few; more in my county than in any other, I think; there are very few in Yancey, Madison, Haywood, and Transylvania.

Question. How many colored men altogether do you suppose there are in Yancey County?

Answer. I have understood that there were only twenty-one colored voters there.

Question. In the whole county?

Answer. Not more than that, I think. I doubt whether there are fifty colored voters in Madison, or in Transylvania, or in Jackson; there are more in Jackson, but not more than fifty, I reckon; there are very few up there in any of those counties. I believe we have in Buncombe about four hundred colored voters.

Question. How many voters in all have you in Buncombe County?

Answer. About twenty-four hundred.

Question. And you have four hundred colored voters?

Answer. About that. In the main, our colored people have behaved very well.

Question. You live in a section of the State where there are very few colored men?

Answer. Very few.

Question. And that element is of comparatively little consequence in the way of voting?

Answer. Yes, sir; it excites but little attention one way or the other, except in Asheville, where the most of the voters are.

Question. You say that at the riot that occurred at the ballot-box in Asheville there were eighteen negroes wounded and one killed?

Answer. Yes, sir.

Question. No white man was wounded?

Answer. I believe there were two white men slightly wounded; it could not have been serious or I would have remembered who they were. They commenced with sticks and stones, while the others had repeaters and shot at them.

Question. The white people fired?

Answer. I think the colored men, some of them, fired; some had very old pistols, but threw them down and ran away after a few shots. I suppose the others had better implements, and were more accustomed to using them, and so on. I met them as I came up from my office after I heard the firing begin; I met them going in a crowd; they ran very confusedly; were very much alarmed; even those who commenced the affray were the most active in getting away.

Question. You thought that stopping the prosecution of these rioters would be apt to quiet down the public feeling there?

Answer. That is what we thought. We thought that it was for the good of the community, and best for all parties, that there should be no further prosecution. I think that was the intention of those who moved it. Judge Bailey and I concurred in that; he was formerly judge of our superior court for a great many years, a man of high character, a good man. He is practicing law now. Colonel Coleman and, I believe, all the members of the bar concurred in that view, that it was the better course. It met the views of the judge and of the solicitor, and I think they all concurred in the same opinion. However, I do not know what they have thought about it since; perhaps the judge entertains a somewhat different opinion about it since.

Question. Have you observed the course of the public press in the South in treating of these disturbances, the public press of the respective parties?

Answer. Well, I can only speak of what I hear said of the press; I do not take any of those papers. I never took the Standard for a great many years, nor the Sentinel; I do not take any of those papers. I take no State paper outside of my own town, and do not read them. There are two papers in my place that I take, one on each side.

Question. What is the course of those papers, one a republican and the other a democratic paper?

Answer. Well, the one who edits my own paper I am not on terms with; I do not speak to him; he and I differ a great deal about many things. The course of the few leading papers there, I reckon, is very well known. A great many of them seem to apologize for, or to make no allusion to this thing; while, on the other hand, the others seem to make the most of it; they seem to make it a matter of political contest, for continued abuse, on the respective sides.

Question. You mean to say that the democratic papers are the ones which palliate and justify and make little of it, while the republican papers are those which denounce it and oppose it?

Answer. In the main. There are some democratic papers very decidedly against everything of that sort.

Question. What papers are those?

Answer. The Old North State, in Salisbury.

Question. How about the Telegram, at Raleigh?

Answer. I do not know; I do not take it. I have seen but two or three copies of that paper.

Question. Do you know any other democratic papers except the Old North State and the Telegram that have denounced these outrages?

Answer. I do not remember now. I do not see any of the North Carolina papers

scarcely, except those published in my own town. I see in those and the other papers that the general complaint with them is that that is the case, that they treat it as a party question, the one palliating, and the other making the most of it; so that we may not have the most entire confidence in the statements of either side touching it; at least that is the way I understand it.

By Mr. BUCKLEY:

Question. You state that you were a member of the convention that passed the ordinance of secession?

Answer. Yes, sir.

Question. Did you vote for secession?

Answer. Yes, sir; we all voted for it. There was no dissenting voice out of the one hundred and twenty members.

Question. You yourself are under disabilities?

Answer. Yes, sir.

Question. Have you ever applied to Congress to be relieved?

Answer. Yes, sir; I handed my application to Mr. Pool. It is before Congress, in a general bill, I guess. I gave it to Mr. Pool some time ago.

Question. It has not yet been acted upon?

Answer. The bill in which it is, I understand, has not been acted upon.

Question. You think, then, that so far as you know, among your personal acquaintances, the relief has not been confined to parties, but generally to those who have applied for it?

Answer. I suppose that was so. The few persons I could point out that I could hear of being relieved, I suppose, happened to be here themselves, or to have friends here. I know that Colonel Davidson was relieved; he was in the convention with me.

By the CHAIRMAN, (Mr. POOL:)

Question. Is he a leading democrat in that section?

Answer. Yes, sir. I suppose it was like others, because he happened to be here; he was here frequently. I suppose it was got through in that way, while the others of us neglected to apply at the proper time. That is all conjecture on my part, however.

By Mr. BUCKLEY:

Question. I did not quite understand you in reference to the whipping of the woman you spoke of. What was the cause of that whipping?

Answer. The case has not yet been tried. I have examined the case in my office, only of my own clients. I said to them that if they were guilty of whipping the woman I hoped they would be convicted. They denied having anything to do with it; they said they could prove an alibi. The alleged cause of it was that she claimed the land on which her husband had died, and her dower in which she had released irregularly; and she claims the land on that ground. One of these defendants owns the land, as he thinks, and has a suit pending for it. It was supposed she was abused about that—whipped with rods. She is quite an old woman, and it was a great outrage. They were disguised.

Question. I believe you stated that a great deal of difficulty is found in identifying the parties who commit these outrages by reason of their disguise?

Answer. I suppose that is the chief difficulty.

Question. You think that is the reason why these disguises are resorted to, to prevent detection?

Answer. I suppose so, of course.

By the CHAIRMAN, (Mr. POOL:)

Question. One question in regard to the husband of this woman who was whipped. What was his position during the war?

Answer. I do not know that; I do not know whether he was living during the war. She is quite an old person, and it was a great outrage, whoever did it. I think there is no allegation that it originated about anything else but that piece of land.

Question. You heard that from your clients?

Answer. Yes, sir; only from my clients. One of them, by consent, went free without day by paying the costs. The others declined doing so, under my advice, because they said they were not guilty, and could prove it clearly. I told them it was due to their character as citizens that they should be able to prove themselves clear of it and stand a trial, and they are standing it. I was absent from this past court, and my partner was sick. Judge Henry wrote me that none of my cases were tried, except some of parties who were in jail, and I suppose that, with others, they were continued during my absence. I think it has nothing to do with political organizations.

By Mr. COBURN:

Question. You stated that it was your opinion that it would be better not to prosecute these cases for the riot that occurred there; what is your opinion as to the propriety or

necessity of prosecuting this Ku-Klux organization, these men who are accused of going about in disguised bands?

Answer. I think the reason of the thing is just the opposite to that which existed in the case I speak of. The case I speak of was one of a sudden quarrel gotten up by bad men on both sides; it created a great deal of deadly feeling between the colors in our town. I thought it would be better to let the matter quiet down as much as possible. This, I think, ought to be prosecuted with the utmost vigor. Where parties commit offenses in disguise they ought to be doubly punished, because of the difficulty of detecting them and the danger of the example; that is the way I talk to them about it. I do not think the cases are parallel at all, or analogous. I think that was the better course in that case; there was nothing secret about that; it was nothing but a sudden ebullition of passion suddenly aroused by two or three bad men on both sides bringing it about; some of them paid pretty dearly for it, too.

Question. You think the best remedy against these outrages is vigorous action on the part of the Government?

Answer. Vigorous action on the part of the courts. The great difficulty is to procure testimony, it seems to me, whatever tribunal you have. If the evidence could be had I think the tribunals that exist there would try them. The most of our judges are republicans, and the sheriffs are republicans; there is no difficulty in executing the law if you can get the proof. I think the same difficulty would exist in Federal courts in getting the proof; that is the difficulty at last.

By Mr. BUCKLEY:

Question. Do you think the same difficulty would exist in getting juries?

Answer. I think in some counties it would be so, where they had very much influence; it might be necessary to remove the cause, and by our laws you can remove it.

By the CHAIRMAN, (Mr. POOL:)

Question. The grand juries cannot be affected by the power of removal?

Answer. They cannot; that is so.

By Mr. COBURN:

Question. In relation to the difficulty about witnesses, is it not a matter of intimidation, as well as a matter of ignorance, that prevents testimony being had?

Answer. Well, it may be intimidation or it may be preconcert, previous pledges not to give testimony.

Question. That would also be a trouble, intimidation or agreement not to testify?

Answer. I suppose, from the testimony I have seen published here, that a part of the obligation of these secret organizations is not to divulge upon each other. I suppose out of that would grow a difficulty in getting testimony from them; that is a mere matter of opinion, from what I have seen. There are some men said to be concerned in it that would be apt to visit their vengeance upon witnesses that would expose them and convict them; I would not undertake to say that they would not do so in counties where they are strong. Some half a dozen or more counties in the State have been agitated by them; perhaps more than that number, but hardly a dozen, I think, that I have heard spoken of.

By Mr. BLAIR:

Question. How many counties are there in the State?

Answer. There are some eighty-odd, not quite ninety counties. They have made so many new counties since I was last in the legislature that I do not know the number now. We had eighty-three or eighty-four the last time I took notice of it. We have eleven counties west of the Blue Ridge, in the section of country where I live, a high, broken, rough country. We never had many slaves in that part of the State, in those counties. Cleveland, and Catawba, and Iredell had not a great many. In the Piedmont counties there were generally a few more slaves than in the counties beyond the mountains; not many. I think, from what I could learn, that these particular counties, Cleveland and Catawba, and those counties not having very many slaves, have been more led on by a few leaders; a few leaders have put this thing on foot and kept it up more than any general prejudice against the freedmen. There were not a great many slaves in those counties, not many. I think they were generally humane toward their slaves; they were not people who worked them hard; those Catawba people were gentle, quiet people, good farmers, and very orderly people, as a general thing; there were few indictments, little or no debt, generally an orderly people in Catawba, Lincoln, and Gaston Counties. But there seem to have been some organizations in their villages that extended into the country and excited these acts; I guess originating with very few people.

WASHINGTON, D. C., *July* 28, 1871.

H. W. GUION sworn and examined.

The CHAIRMAN, (Mr. POOL.) As this witness is called at your instance, Mr. Blair, you will please commence his examination.

By Mr. BLAIR:

Question. State where you live, and how long you have lived there.

Answer. I reside in Charlotte, North Carolina, and I went there in 1869. I have lived in that vicinity for thirty years. I have also lived in Bladen County, in the eastern part of the State, during the war, from 1861 to 1869. I was born in the eastern portion of the State, in Newbern.

Question. State, if you please, what positions you have held in the State.

Answer. Well, sir, I have never held any public position at all. I was president of a railroad from 1855 to 1863.

Question. Are you a professional man?

Answer. I am a lawyer by profession.

Question. Do you practice law now?

Answer. I practice law in Mecklenburg and surrounding counties, in the circuit court of the United States at Raleigh, and in the supreme court at Raleigh.

Question. The object of this committee, as you are probably aware, is to ascertain whether the laws are executed, and whether life and property are secure in your State, and especially in that portion of the State in which you reside.

Answer. That is the object of the committee?

Question. Yes; that is the object of our investigation.

Answer. I will answer the question in such form as you may suggest, directing my attention to particular matters.

Question. Answer generally whether the laws are executed in your State, the laws against crime especially.

Answer. Well, they are generally executed; the fault is in the judiciary, if anywhere.

Question. There is a reasonable degree of security for life and property in your State?

Answer. Yes, sir; life and property are perfectly safe.

Question. They are perfectly safe in your State?

Answer. Yes, sir; that is, in some places there are outbreaks, but this danger to property arises from these Loyal Leagues. There have been a great many lawless acts committed by the Loyal Leagues, so we suppose and have reason to believe—the burning of barns, the destruction of cattle, horses, and mules.

Question. Who compose the Loyal Leagues?

Answer. I believe they are chiefly composed of negroes and low white people. In the county adjoining the one in which I live, in Gaston County, within the last eighteen months, there have been a great many outrages committed—burning of barns and dwelling-houses. In some cases they have caught the parties. Now, I do not know of my own knowledge that it was done by the Loyal Leagues, because I know nothing upon the subject; it is only from what I learned from those gentlemen in the county with whom I have associated.

Question. I will state to you that you can speak here upon information as well as from personal knowledge; the committee do not restrict a witness. If you have information upon which you rely, you are at liberty to give us what you know in that way, and your means of knowledge.

Answer. It was only last week that I got all the information about it that I know; and I had not any idea that I would ever be called upon to testify about it, and therefore I was not as close in my inquiries as I otherwise would have been. But I was in Gaston County last week on some business; there was a public sale of some property there, and there were a great many gentlemen assembled there. After we got through with the sale, some conversation on various matters occurred. After a time the conversation turned upon barn burnings. I inquired about that merely to pass away an idle moment. Several gentlemen gave me assurances that these burnings of barns and houses that had occurred in the county proceeded from the Loyal Leagues; that they had arrested several of the offenders; and that those persons who had been arrested said that their directions to burn them had come from the city of Raleigh, from the chief leader in Raleigh.

Question. What is the Loyal League?

Answer. Well, sir, that is more than I know. It is the negroes and low white people, who seem to be banded together in a secret association, which is governed in the most remarkable manner, controlled from one end of the State, I believe, to the other, and has been. At our last congressional election a candidate was run on that side whose name had not been mentioned previous to the day of election, that I had heard, or that had been heard by a great many others; yet there was an almost unanimous vote throughout the whole district for that one person.

Question. On the part of——

Answer. On the part of the radical party, or the League; we call it the radical party,

but really in North Carolina it is not radical; we do not vote there on national politics; they are never discussed.

Question. What is the line of division?

Answer. It is our State difficulties, and State troubles, and State debt; the inferiority of our judiciary department, in my opinion, gives rise to the whole trouble. I have always been of the opinion, as a lawyer, that the judiciary department is the main-stay of a republican government, or of any stable government. It is the arbiter appointed by the law and the constitution, to which all difficulties between persons, and the punishment for crimes, shall be referred. A party has a right to drag another party before this common arbiter for decision. If that arbiter is incompetent, or is corrupt, or is partial, of course there is loss of confidence; there is no confidence in that department of the government. And I am pained to say that in our State our judiciary system is a farce; it is little more than nominal.

Question. In what respect is it inefficient?

Answer. With the common people it is very often that you hear the remark that they expected the judges to decide so and so, politically; that they would be moved by political influences, political preferences and partialities. Well, the great majority of our judges are utterly incompetent; they do not know law. The people generally believe that they are moved by political preferences.

Question. Does this opinion, which you say is generally held throughout the State, disincline the people to refer their differences to the judiciary?

Answer. It inclines them in many cases to take the law into their own hands; that is the law of nature. A man will seek his own defense if he cannot get it in any other way. It produces a tendency that way; and then it does not require much of an outbreak to cause a half a dozen men to club together to put down offenses.

Question. Are there any organizations other than the one of which you have spoken —the Loyal League?

Answer. I know nothing of the Ku-Klux organization, except what I have seen in the papers. I have never mixed up with them. I am mighty little of a politician.

Question. That is not in your line?

Answer. I have never been a candidate in my life for anything before the people, and I do not know that I ever expect to be. I have attended to my business closely, and not interfered with anybody's else business, unless I was paid to do it. As to the Ku-Klux organization, I did not believe there was such a thing in the State until the trials before the judges at Raleigh last summer. I was perfectly surprised by the evidence that was introduced of an organization existing in Alamance County. I have no reason to believe that it exists anywhere else except there, and the recent developments made in Rutherford County. And the opinion that the troubles arise from the incompetency of the judiciary department is somewhat sustained in the evidence there, because Judge Tourgee, in whom very little confidence is placed, is judge there. He is a foreigner, and thought to be a corrupt man, and Alamance is in his district. The troubles in Rutherford County are where Judge Logan resides. All the members of the bar in his circuit and district have signed a memorial to the legislature, which will be presented next winter, requiring his removal, for utter incompetency. He is totally incapable of administering the law.

Question. Is it alleged, and do you believe, that this organization has originated there by reason of his incompetency?

Answer. Yes, sir; on account of his partiality in punishing criminals, and in not sustaining the law as he ought to do. This present difficulty—I have only heard of it—was because he has punished men improperly. I refer to this Biggerstaff difficulty, where a man had taken his gun and fired into the house of another, and attempted to take the life of another there. He was brought before the judge, and was fined only $20.

Question. What case was that?

Answer. That had something to do with the Biggerstaff case; I never ferreted out the facts; I never felt much inclined to do so. It was a want of discrimination on the part of the judge in punishing offenders. The highest crimes were not punished as they deserved to be, and the people took to punishing them themselves.

Question. You do not recollect the particulars of that instance?

Answer. It had something to do with the Biggerstaff case. There were two families, and the radical had shot at some other member of the family, I believe, and attempted to take his life; maybe he fired twice; and he was only fined $20, after trial and conviction. That was looked upon in that district as encouraging crime. And then the other parties were offended, and they took it into their own hands to punish him. I do not know any of the facts well enough, however, to state now what they were.

Question. We have had before us here a great number of witnesses who have testified in reference to this Biggerstaff case. There are two Biggerstaffs involved in it—half-brothers; one, Aaron Biggerstaff, who it is alleged here, and it has been proved by several witnesses, was outraged on two several occasions; the other is a half-brother, and, I suppose, a younger man, Samuel Biggerstaff. We have had no testimony from all these witnesses who have come here and have testified to the punishment inflicted

upon Aaron Biggerstaff—no one has ever testified in regard to the circumstance you have now mentioned; that circumstance has been withheld from us, or the witnesses did not know it.

Answer. Well, I understood it as the fact. At this last spring court—the Gaston court—I was retained to prosecute a party for doing personal injury to another by the use of brass knuckles. I took occasion in that court to animadvert upon the judge's want of severity in his punishments; and I alluded indirectly, not directly, especially to his manner of punishing those other persons. I told him that such slight fines as he was in the habit of imposing were only calculated to cause crime, and I insisted that in that case he should punish with more severity. He fined the man $75, when he should have been sent to jail for six months. The proof was clear that he used brass knuckles, that he beat a man at night, broke his skull all to pieces, and the doctor was there and took out bone after bone; and yet he fined him only $75.

Question. We have no testimony as yet in regard to the circumstance to which you allude.

Answer. Well, sir, that is a part of it.

Question. That has been very carefully excluded from the consideration of this committee.

The CHAIRMAN, (Mr. POOL.) I think, General Blair, that you are very much mistaken, if I understand what you refer to. The circumstances were detailed rather minutely in regard to the assault upon the house of one of the Biggerstaffs.

Mr. BLAIR. The circumstance was stated that Sam. Biggerstaff's house was fired into.

The CHAIRMAN, (Mr. POOL.) And the circumstances connected with the firing into that house, so far as the witnesses understood them, were stated very carefully.

Mr. BLAIR. No single witness has stated here, when I have been present, that any injury whatever was done to Samuel Biggerstaff on that occasion. They have simply stated, so far as my recollection goes, certainly every witness I have heard testify, that this party, McGahey, fired into Sam. Biggerstaff's house; that he ran ahead of his party and fired his gun into the house. But there has been no one here who has testified to the fact now stated by Mr. Guion, that Sam. Biggerstaff was shot.

The WITNESS. I do not know whether he was absolutely shot or not. I do not think he was. The attempt was made to shoot him, but, as I understood, he was accidentally lying upon the floor instead of lying upon his bed. The attempt was made to shoot him; and then the slight punishment imposed upon the one who attempted to shoot him was a matter of common talk and regret throughout the country.

By Mr. BLAIR:

Question. Was it believed in the community that his judgment in that case was because of political considerations?

Answer. Well, sir, it is generally supposed that has great influence with him.

Question. And this led, as you say——

Answer. That and other causes of the same kind might have led to this disposition upon the part of the people to take the law in their own hands. In fact, in these cases of burnings and injuries of that kind, there is scarcely any other remedy, because they are committed by parties in the dark hour of the night, and it is almost impossible to detect them. Persons are living in momentary danger of being burned out of their houses and homes, and they would naturally rise up and go and take each other's cause in hand, because you cannot prove the thing absolutely in court so as to convict the party of arson, and yet you may have good ground to believe who did it, and you may have every reason to believe who did it, but the evidence may not be strong enough to convict him in court, especially if there is any disposition on the part of the public officers to screen him.

Question. Such a disposition as is supposed to exist in that circuit?

Answer. Yes, sir.

Question. Is Judge Logan objected to because of his ignorance, and of his partiality also to this class of persons?

Answer. Yes, sir; we did not put that in our article. We drew up articles to be presented to the legislature, but we did not state that he was corrupt. We thought we might be called upon to prove the matter, and it might be disagreeable. We just put it upon the ground of his utter incompetence, and that every one will testify to; even his own party will testify to that.

Question. And that is the ground upon which the organization known as the Ku-Klux organization justifies itself?

Answer. That is the only ground, I suppose.

Question. That it is impossible——

Answer. I do not know of my own knowledge that there is a regular Ku-Klux organization there. I never heard that, but that it is more what you would call the lynching system. Parties band together and go and take each other's part and protect each other, make common cause where they are mutually injured. I do not know that the

Ku-Klux exist there. I have not seen the testimony which I understand they have taken. I have not interested myself in it at all.

Question. You understood that arrests had been made?

Answer. Yes, sir; and that they were coming in and confessing what they had done; to what extent I do not know.

Question. Is there anything of this description in your county?

Answer. No, sir; I never heard of it until I saw in the New York Herald that H. W. Guion was here to testify as the chief of the Ku-Klux in that county. I had sent word on here that I wanted to be excused, to attend my court. If there are any Ku-Klux in Mecklenburgh County I am not aware of it, nor have I reason to believe that a member of that order is in that county, if there be such an order.

Question. You say you asked to be excused?

Answer. Yes, sir; I sent a dispatch for that purpose last Friday night.

Question. Did you hear anything from here in response to your request to be excused?

Answer. Yes, sir; I was excused on Saturday; I was away in Gaston County, and that is the dispatch I received on Friday night when I got home. They sent it down to my house about 9 o'clock, I reckon. This is the dispatch I received the next day, and here is the one that came to me on Monday night.

[The witness showed four telegraphic dispatches, as follows:

"WASHINGTON, *July* 19, 1871.

"HAYWOOD W. GUION, *Mecklenburgh, North Carolina:*

"You are wanted here forthwith as witness for congressional committee investigating condition of Southern States. Answer by telegraph.

"J. R. FRENCH,
"*Sergeant-at-Arms, United States Senate.*"

"CHARLOTTE, NORTH CAROLINA, *July* 21, 1871.

"To JNO. R. FRENCH, *Sergeant-at-Arms, United States Senate:*

"I ask to be excused for a brief interval, as our superior court commences next week, and I am retained as counsel in many cases.

"H. W. GUION."

"WASHINGTON, *July* 22, 1871.

"H. W. GUION:

"Committee excuse you.

"J. R. FRENCH,
"*United States Senate.*"

"WASHINGTON, *July* 24, 1871.

"H. W. GUION, *Charlotte, North Carolina:*

"Committee decided this morning to insist upon your immediate attendance, and instruct me to so inform you.

"J. R. FRENCH,
"*Sergeant-at-Arms, United States Senate.*"]

The answer which I sent back was this, to be excused for a brief interval, as our superior court commenced next week, and I had been retained as counsel in many cases. Then I received a dispatch the next day excusing me. I was very glad to receive that dispatch, for that was the first opportunity we have had of trying cases on our docket for the last two or three years. We have a good judge; he is appointed to hold the court until he finishes the docket. I have a great many cases on the docket, and I do not know when we will get another chance to try the cases. After I saw the reporter's announcement in the New York Herald that I had been summoned, and had tried to shirk examination, because I was chief of the Ku-Klux organization in Mecklenburgh County, I was the more willing to come up.

Question. The Sergeant-at-Arms was not authorized to excuse you.

Answer. Mr. Pool explained to me this morning that it was a mistake; that it was written "can't," and it was read, "Com'tee excuse."

Question. There are no Ku-Klux in your county?

Answer. If there are I never have heard of them, and I do not believe it.

Question. If you are at the head of it, it is a very harmless Ku-Klux.

Answer. Very harmless. Some say that Mr. Ham. Jones, in my county, is a member of the order. We are members of the bar, and we have associated together very freely, and I have no reason to believe that he is one. Although we are very intimate, employed together in the same cases very frequently, if he is a Ku-Klux he has kept it from me most effectually. We have good order in our county, with the exception of some lawlessness among the blacks; they have committed several outrages, barbarous murders, and other crimes, rapes, &c.

Question. Are they generally punished for those crimes by the courts?

Answer .When they are caught they are. Our last court was taken up for two weeks with the criminal docket. The whole term was devoted to the criminal docket, and several cases continued over.

Question. Were those mostly cases of negroes?

Answer. Yes, sir. The idea to my mind is horrible that negroes would go, two or three of them, and club a man and kill him for the sake of getting $13 that they knew he had in his pocket. It was proven that three of them deliberately killed a white man; one knocked him down with an ax, and another stepped up and took the ax and split his head open, because they had seen him receive $13 the day before. One of them was put on the stand, and he stated all the facts; he said it was simply to get the money.

Question. You say there is a great deal of burning of barns, &c.?

Answer. Yes, sir.

Question. Is that done principally by negroes?

Answer. Yes, sir; altogether, I believe.

Question. For what purpose?

Answer. The story that we get is that it was done by instructions from Raleigh.

Question. What do you understand by that?

Answer. We understand by that that the head of the League is in Raleigh, or was in Raleigh; it may be broken up now. But when the burnings took place last year we understood it was by directions from headquarters.

Question. For what purpose were those burnings committed? Did you understand that there was any object in view, or was it simply for devastation?

Answer. It was rather to intimidate the leading and influential parties of the county, I suppose; I do not know what else.

Question. To prevent them from taking an active part in politics, or using their influence against them?

Answer. Really, I cannot say.

Question. Probably this is not a matter susceptible of complete and absolute proof?

Answer. No, sir.

Question. But you can state what is the conviction of intelligent people in your State as to the object of these burnings by these negro leagues.

Answer. Well, sir, I cannot answer the question as to what the conviction is; I have had so little to do with it that I look upon it only as an arson. If it comes before me professionally I take hold of it.

Question. Do these crimes create alarm among the people of the country for the security of their property?

Answer. They do in those counties where they are common; in Gaston County, where it was common, it did.

Question. And from that springs the forming of these associations, with the idea of self-protection?

Answer. I have no doubt of it.

Question. For the protection of themselves and their property?

Answer. Yes, sir; I have no doubt of that. I know that last summer, I think it was, several gentlemen told me that they were in danger of their lives; that they were informed by some of the League-men that they were to be killed, that they were to be hanged; and the manner in which it was to be done was detailed; that they were there in Dallas, the county-seat of Gaston County, and that there were several men who were to be punished, just about the election or before the election.

Question. For what purpose?

Answer. To intimidate them, I suppose.

Question. For political reasons?

Answer. Yes, sir; to intimidate them and punish them, by persons having malice toward them; it was because of the hostility between the parties, I suppose.

Question. And in your judgment these organizations, if any exist, have arisen——

Answer. I have no doubt of it—as a counterplot to the objects and lawlessness of the Leagues.

Question. They felt they were not protected by the courts?

Answer. That thay could not receive protection from the courts.

Question. And that adequate punishments were not inflicted?

Answer. It was not so much the fault of the courts, perhaps, but it is the fact, that these crimes are perpetrated by a class of people that we do not know. The negroes are not known by the white people generally; they do not know them upon the day of election. Crimes are perpetrated at night, when people are asleep; barn after barn is burned; and as they cannot be brought into court and punished, the people have taken the law into their own hands, and combined to put it down as well as they can.

Question. You believe that to be the origin of these combinations which are said to exist?

Answer. I believe it. I believe if there had been no Loyal League in North Carolina there would have been no Ku-Klux, or clubbing together of the white people there.

Question. You believe that one gave cause for the origin of the other?

Answer. I have no doubt of it.

Question. These Loyal Leagues were political in their character?

Answer. Yes, sir; formed for political purposes. The purpose originally was to unite them together and make them vote as they were directed to vote by their leaders.

Question. Were they all sworn?

Answer. Well, I understood so. I think it was testified in the case tried in Raleigh before Judge Pearson, chief justice of the State, that they were sworn and had oaths; I do not know what the character of the oath was, but the testimony was that they were sworn in the Leagues. I do not know whether the organization is kept up yet or not. Still the negroes operate upon each other, so that one dare not depart from the ranks; they are arrayed yet in a solid phalanx.

Question. And in the cases of trial for burning barns, you state that the negroes made confession?

Answer. Yes, sir; in some cases they made confessions; at least it was ascertained in such a way that they knew who they were; I do not know that they made any direct confession in court.

Question. In reference to their doing these acts in pursuance of directions from Raleigh, you say they made confession to that fact?

Answer. That was ascertained.

Question. From the negroes themselves?

Answer. I do not know that it was ascertained from the parties who did the deed, but from parties who were cognizant of the fact. That is the general belief in Gaston County; so I was informed last week.

Question. Did such occurrences take place elsewhere as well as in Gaston County?

Answer. They did, in the middle portion of the State, around Raleigh, in Harnett, Wake, and Chatham Counties; a great many barns and other buildings were burned there. But of that I know nothing personally; they were too far off for me.

Question. Was there anything of that character in Rutherford County?

Answer. Burning of barns? Well, I do not recollect that I ever heard of a case there. I never read the papers from Rutherford; that is about eighty miles off, seventy-five or eighty miles from me. I do not recollect hearing at this term of any case in Rutherford.

Question. I wish you would give the committee your best recollection of the origin, and of the causes, as well as you can recollect them, of the Biggerstaff difficulty.

Answer. Well, I wish I was able to do so. I heard of the facts, but I did not treasure them up in my mind; I would do injustice to some parties if I was to attempt to make a detailed statement. I have heard them repeated, but the names of the parties and the facts generally have escaped my recollection. I only recollect the chief fact of it was the impression upon my mind that an inadequate punishment was inflicted upon wrong-doers in Rutherford, such as was calculated to increase crime. As to the details, I am unable to give them.

Question. I believe those who were engaged in the outrage upon Biggerstaff have been pursued with considerable vigor.

Answer. A great deal; it has acquired a degree of importance far beyond the merits of the case.

Question. Then what you say in regard to these things not being pursued with a great deal of vigor must apply to the acts and conduct of Biggerstaff, not to those who assailed Biggerstaff?

Answer. Yes, sir; and it has incensed the community to a great degree.

Question. Did you understand that Aaron Biggerstaff gave the first offense?

Answer. I do not know the particulars of the difficulty; I have heard them detailed, but I do not recollect them.

Question. Well, did you understand that he fired at Sam. Biggerstaff, or that some of the party that were with him fired at him?

Answer. I am not able to answer that question.

Question. But, as I understand you, this Aaron Biggerstaff was tried——

Answer. And fined $20 or $25, I think it was $20, for an attempt to take life, for shooting into a man's house.

Question. To take the life of his half-brother?

Answer. Yes, sir; and there were other fines in other cases that showed the same leniency on the part of the judge.

Question. In other cases?

Answer. Yes, sir.

Question. Do you practice before Judge Logan?

Answer. Yes, sir; he is the judge of my circuit.

Question. Then you can tell the committee whether he is partial in his judgments? You have been present at these trials?

Answer. Yes, sir, I have been present at the trials; but we could only call it a want of discrimination; he would fine one man so very heavily and another very lightly.

You could not call it corruption; it seemed to be a want of discernment or discrimination.

Question. Was there anything in the political record of the parties——

Answer. I cannot say I ever noticed anything of the kind.

Question. Were you present in court when he disbarred one of the lawyers?

Answer. I appeared for Mr. Schenck in the case.

Question. What were the circumstances of that case?

Answer. Well, Mr. Schenck wrote a letter to you, I believe, and it was published in the Washington papers. As soon as Judge Logan read it, he became very mad; he only read it a day or two before the Gaston court. We were together at Lincoln court, which immediately precedes Gaston court, and everything went on there as usual. On Monday the Gaston court commenced; and as soon as the judge took his seat on the bench he entered a rule disbarring Mr. Schenck from that Monday until the Saturday following, on account of having written that letter, which was published in the Washington Patriot, I believe; he entered that order on the docket. Well, we have a statute prohibiting a judge from disbarring a lawyer or an attorney, unless the party has been previously convicted of a crime incompatable with his duties as an attorney; the judge did not know that there was such a statute. On Wednesday we called his attention to it, had a copy of the act in court, and read it to him. But he would not listen to it; he held Mr. Schenck disbarred during the week, and appointed Saturday for the hearing. We took it up on Saturday, but he still disbarred him, notwithstanding the statute was express. Mr. Schenck took an appeal to the supreme court, and had the case reversed. Mr. Schenck neither admitted nor denied having written the letter, on the ground, as I may state, that the statute in relation to disbarring attorneys is framed in the alternative; that unless a party has been convicted before a jury of an offense which is incompatible with his duties as an attorney, or has confessed the same in open court. I advised Schenck not to answer at all, but just put in the plea and rely upon the statute; because if he put in an answer at all, it might be taken in itself to be an admissiou in open court.

Question. That would be a reiteration of the language in open court?

Answer. Yes, sir; and would be regarded as a confessiou in open court, which might be tortured to mean a confession in open court sufficient to justify the rule of the judge disbarring him. Therefore he relied upon the plea.

Question. What was in the letter that Judge Logan took exceptions to particularly?

Answer. The general tenor of it?

Question. The general tenor of the letter?

Answer. The whole of it he regarded as libelous, I suppose.

Question. Do you recollect the general statement of the letter?

Answer. I do not now fully. It stated that Logan had sent on here a statement that he could not hold court in Cleveland, which was a falsehood, for parties had been sent to him to escort him down, with assurances that he should not be hurt; and he actually did go on and hold the Cleveland court. Then the letter went on to state about some troubles as to this Biggerstaff case.

Question. Did he not assert roundly in the letter that the Biggerstaff matter was an affair entirely of personal difficulty between individuals?

Answer. Altogether an individual matter.

Question. With no reference to politics in any shape?

Answer. None.

Question. Is that your understanding of it?

Answer. That is my understanding.

Question. Is that the general understanding of the community?

Answer. I suppose this Biggerstaff matter was wholly a personal matter, and had nothing to do with politics; I never heard it suggested that it was anything else. The understanding was that Aaron Biggerstaff was a particular political friend of Judge Logan, and that he had taken up his part very warmly, and given him the aid of his judicial powers.

Question. Is it not the understanding that much of the difficulties which have followed this Biggerstaff affair, which I think was among the first difficulties in Rutherford County, is it not the belief and understanding that most of them have arisen out of this Biggerstaff difficulty?

Answer. I think that is generally understood.

Question. That persons taking part on the one side and on the other, it has led from one outrage to another?

Answer. I think so. I understood that it had inflamed the minds of the people very much, especially the dragging them down to Raleigh, which was a very harsh act. I understood that they had been arrested some three or four times, bound over, imprisoned, and at last carried to Raleigh. They were very poor people, and it was in crop time. The people in Rutherford were highly incensed, and I think that if there were no United States troops there at this time in all probability there would be blood-shed; it has gone to that length in Rutherford County.

Question. And it arose entirely, or almost altogether, out of this Biggerstaff difficulty?
Answer. I think so.
Question. And that, in fact, was a personal affair between the parties?
Answer. Altogether so.
Question. And it had no reference to politics?
Answer. No, sir.
Question. It has been stated here in testimony that this organization, and these particular demonstrations, were intended to bring about a condition of intimidation upon the part of the republicans in that county, and to enable the democrats to carry it in this election; that testimony has been given here.
Answer. Well, I never supposed there was any such necessity, because I think the republicans were about two to one in that county. They had all the power themselves; they had all the force there; and it would hardly look probable that the weaker party would endeavor to intimidate the stronger.
Question. Is there any such statement in Rutherford in reference to this matter; is that believed to be the fact?
Answer. Up there?
Question. Yes.
Answer. Well, I have not been there; I do not know what is the feeling there; my residence is eighty miles off. I have understood recently that the parties up there were very highly inflamed, and that they would probably have very serious times if it were not for the military. Now, Rutherford is unfortunately situated in having Judge Logan as the judge in that county; he has always lived there. The judge has his own political and personal friends, and the other side are as bitter against him as he is against them. It is more personal than it is political in that county, I think; though politics, I suppose, are mixed up with it naturally. He and his party side together; you can hardly keep politics out of any association. And this Biggerstaff matter has aroused a state of feeling and indignation and warmth on both sides which would probably not have occurred in any other county, owing to the fact that the judge is living there, and is incompetent to manage difficulties.

By Mr. BECK:

Question. Do you know anything about this matter the papers are giving so much account of, that is going on in Robeson County, I believe? What is the name of that?
Answer. The Lowry gang.
Question. What is that?
Answer. A set of assassins banded together; it has nothing to do with politics or religion; they are a set of cut-throats and assassins.
Question. Is the band composed of negroes?
Answer. Or half-breeds; it is a perpetuation of an old mulatto stock that has lived in that part of Robeson County a great number of years. In that county is a little river called Lumber River, and on the north side of it is very swampy. That part of it has been given up to this free colored population for years and years; they have lived there by themselves; it is called Scuffletown. They are a very poor set, and I suppose that during the war time they have learned how to kill and murder, and since the war they have been very troublesome.
Question. They are mixed with Cherokee blood?
Answer. Some people say there is a little Indian blood in them, but they are generally considered mulattoes. They are a very worthless, trifling people, or they were when I knew them, seven or eight years ago. I was president of a railroad, and we were building a railroad right through that county; and I wanted to get these people to dig a canal. But they were so lazy, I could not get them to work until bacon got up to 25 cents a pound, and then they would go out and work just long enough to get a little bacon and then they would carry it away.
Question. Is there a large band of them?
Answer. I do not know the size of that band; I do not suppose many of them have joined with Lowry, though I suppose they have affiliations with him. There are two or three thousand of them there, and have been for many years.
Question. I see by your census returns that in 1860 you had 30,463 free colored persons in your State.
Answer. Yes, sir. Well, right in that neighborhood, now, were between two and three thousand all in one body living by themselves. They were very innocent and inoffensive in those days, before the war; they had their own body of land together; they were very poor; and depended agreat deal upon the county wardens of the poor.
Question. And it is that set of fellows who are doing all this mischief in that region of country now?
Answer. Yes, sir. I do not thinkit has anything to do with politics or religion. I think the devil is influencing them altogether by himself. It ought to be put down; if it was in any other county in the State I supppose it would be put down by the Ku-Klux organization, or something else.
Question. Do they go to the houses of planters and steal what they want?

Answer. Yes, sir; they have done just what they pleased with impunity. It is a disgrace to the county to tolerate it. If it was in my county I would join the Ku-Klux myself to put them down.

By Mr. BLAIR:

Question. You would unite in any effort to put them down?
Answer. Yes, sir. The State government has not done much.
Question. Why?
Answer. You are too hard for me there. They have had the judges, and attorney general of the State, and United States troops, and several United State commissioners in Rutherford for the last two or three weeks, investigating the Biggerstaff troubles; but nothing has gone to Robeson; Robeson seems to be passed by entirely.
Question. There is no resistance in Rutherford to the law?
Answer. None at all.
Question. There is in Robeson?
Answer. In Robeson the United States Government and the State government are both defied.
Question. Everybody is defied there?
Answer. Yes, sir.
Question. The authority of the Government is defied?
Answer. Yes, sir.
Question. And yet no effort is made ——
Answer. No effort is made to suppress that outbreak.

By Mr. BECK:

Question. Are these colored men in Robeson County supposed to be republicans?
Answer. I never have heard anything as to their politics one way or the other; we have always looked upon them in that part of the world as a set of heathen.

By Mr. BLAIR:

Question. How does that county vote?
Answer. I am not politician enough to tell you.

By the CHAIRMAN, (Mr. POOL:)

Question. Who is the representative from that county in your legislature?
Answer. I do not know. I do not know whether those people vote there or not; I suppose they do.

By Mr. BLAIR:

Question. Most of the white people in that region of the country vote the democratic ticket, do they not?
Answer. Well, I expect there are a geat many of them who vote the other ticket in Robeson.
Question. Not as many as one-half?
Answer. O, no, nothing like that.
Question. Then the negroes ——
Answer. Make up the balance.

By Mr. BECK:

Question. Do you know how the county of Robeson is divided as to the whites and blacks?
Answer. No, sir. I should think the blacks would preponderate; that is just a guess of mine. In most of the eastern counties we have a very large black population. The white population is generally in the western part of the State.
Question. How are your judges elected or appointed?
Answer. The judges were elected this time under the new constitution by general ticket. I do not know how many names were put on the ticket, but we elected seventeen judges, twelve attorneys, and State and county officers. Everything was put on one piece of paper, a general ticket, and put into one box.
Question. Were the judges all over the State elected on general ticket?
Answer. Yes, sir, the supreme court judges and the superior court judges.
Question. Was this done under military orders under the reconstruction acts?
Answer. Yes, sir, by military orders, and at very short notice; with very indifferent mails, and with little opportunity of knowing or judging of the character of the persons. And a great many were disbarred from voting, were disqualified.
Question. All those disqualified under the reconstruction acts were prohibited from voting for judges in your State?
Answer. I think so.
Question. They were all elected on general ticket at the same time that Holden was elected?
Answer. Yes, sir.

Question. And of course they were all republicans?

Answer. All except one. Both parties agreed upon Colonel Anderson Mitchell. He is a very old man, and every party had confidence in him.

Question. So that, under the military management of the reconstruction laws, all the machinery of your State government was thrown into the hands of the republican party?

Answer. Yes, sir.

Question. And these officers, judges, attorneys, and others, who have been managing your State, have been republicans?

Answer. Yes, sir. It would make no difference if the whole of the ninth district, in which I live, had voted unanimously against Judge Logan, for he would have been elected; and it would have been the same in any other district. If any one district had voted solidly against the particular candidate in that district, it would have done them no good, for the other eleven districts would have elected him.

Question. So your judges were elected by men not residing in their particular districts, but by the whole State?

Answer. Yes, sir.

Question. A large number of the persons voting for them being persons who knew nothing about them?

Answer. They could not know them; they were all obscure men. One of them had just got his license to practice law when his name was put on the ticket; most of them were obscure men, not known.

Question. And the majority of them, you think, were incompetent men at that?

Answer. O, yes.

By Mr. BLAIR:

Question. Have not some of them been impeached?

Answer. One of them was impeached.

Question. What for?

Answer. For drunkenness.

Question. Has that trial been——

Answer. He resigned.

Question. Resigned under impeachment?

Answer. Yes, sir.

Question. Is it intended to impeach others for the same offense?

Answer. I do not know; they ought to be.

Question. For the same offense?

Answer. Yes, sir, for the same offense.

Question. And for other offenses?

Answer. I suppose for other offenses; the most of it is incompetency though.

By Mr. BECK:

Question. Were most of them old citizens of your State, or were they new men who had come in among you?

Answer. We had none at that time.

Question. That were elected to these offices?

Answer. The most of them were old citizens. One man who was elected was a newcomer—Judge Tourgee.

Question. But most of them were old citizens of the State?

Answer. Yes, sir.

Question. Having that sort of judiciary over your people, elected under military orders, by general ticket, in that sort of way, does it not destroy confidence very much in the administration of justice?

Answer. Yes, sir; it has done it.

Question. How have the financial affairs of your State been managed? Do you know anything about that?

Answer. They have been managed most wretchedly; the State has been plundered openly.

Question. In what way?

Answer. The legislature that was elected in 1868 ——

Question. Under this same military reconstruction?

Answer. Yes, sir; under the same military direction. A set of men were elected that had no interest in the State at all, or very little. I do not suppose all the tax paid by our first legislature would have been equal to what Senator Pool pays. I suppose Mr. Pool paid more tax himself than all the members of that legislature paid. They would just vote out the bonds of the State—one or two millions—with the understanding that a certain part of them would be divided among them. I was a director of this Wilmington, Charlotte and Rutherford Railroad. A message came in a circuitous way to the board of directors, (we needed funds to finish the road,) that if we would ask for ten millions of dollars of bonds, they would let us have them, provided they re-

ceived 5 or 10 per cent. on them; they would vote ten millions of bonds to this railroad company, provided certain managers were allowed to retain either 5 or 10 per cent.—I have forgotten which it was. We held a meeting of the board for the purpose of seeing who on our board would listen to such a proposition. We had thirteen members, but there was only one who would even discuss it. We sent them back word that we could not rob the State in that way.

Question. That proposition came directly from the legislature?

Answer. It came from certain parties in the legislature in such a way that we were assured it was a proposition, and that it would be carried out. It was in that way our present State debt has been made.

Question. What is the amount of your State debt?

Answer. Nobody knows; over $30,000,000 of good debt, I believe.

Question. What was your debt before the war?

Answer. I suppose $15,000,000 or $16,000,000.

By Mr. BLAIR:

Question. With the accruing interest?

Answer. Yes, sir.

By Mr. BECK:

Question. And how much is it now?

Answer. Between thirty and forty millions.

Question. And this debt has been put upon you by a set of legislators who were themselves corrupt?

Answer. Yes, sir; no doubt about that.

Question. Who had no interest in your State, or very little?

Answer. Very little.

Question. And who were put upon you by the reconstruction laws, under which a great portion of your people were disfranchised?

Answer. Yes, sir; and they would do nothing except they were paid for it.

By Mr. BLAIR:

Question. None of the bonds were expended in the construction of the roads?

Answer. None. That legislature was so corrupt that when the three commissioners, appointed to draft the laws, tendered to the legislature several chapters for passage by the legislature, they swore they would not vote for them at all unless they were paid for it.

By Mr. BECK:

Question. What was Governor Holden doing all this time?

Answer. I do not know.

Question. Was he trying to protect the people of the State against this plundering?

Answer. I have not spoken to Governor Holden for many years, until I met him last fall. He was the governor, and I think he might have prevented this corruption if he had chosen to interfere.

Question. Had he attempted to veto these bills, or to stop them in any way?

Answer. I do not know that he had; he had no veto power under our constitution. Still the Governor is all-powerful for good or evil, if he chooses to exercise his influence with the members of the legislature.

Question. It never was exerted potentially to stop this robbing?

Answer. Not that we saw.

Question. Therefore, with such a judiciary as you have described, with such a legislature as you have described, and with such burdens imposed upon you, with nothing in the State to show as the result of it at all, do the people of North Carolina have any sort of confidence in their State government doing them justice in anything?

Answer. Not much.

Question. And during that period you were getting but little protection from the United States authorities?

Answer. Not any.

Question. Is not very much of the lawlessness that has grown up in different localities of the State of North Carolina attributable to a general demoralization in all the departments of your government?

Answer. I have no doubt of it. We felt we had no friends anywhere, either in the nation or in the State.

Question. That you were turned over to the tender mercies of those you have described?

Answer. Yes, sir.

Question. How has the pardoning power been exercised by Governor Holden?

Answer. It is said that he has been partial to his own political friends, and has used his pardoning power very extensively.

Question. Was that made a cause of complaint with your people?

Answer. Yes, sir; that has been one cause of trouble; our people have felt that it would be useless to bring criminals to punishment by the law, for they would be pardoned. That has weakened the hands of those who would otherwise have prosecuted more vigorously.

Question. North Carolina has been run in that groove since reconstruction?

Answer. Yes, sir.

By Mr. BLAIR:

Question. In reference to the impeachment of Governor Holden: he was impeached, tried, and convicted, a portion of the republicans voting with the democrats for his conviction?

Answer. Yes, sir; that is in the published journal of the trial.

Question. I knew these facts, but I wanted to get your evidence in regard to the character of those republicans who voted with the democrats for his impeachment.

Answer. Well, sir, they were ——

Question. Were they men of standing?

Answer. Men of standing—good men. I do not see how any of them, under the clauses of the bill of impeachment, could say that he was not guilty.

Question. Most of the senators, who were white men, voted with the democrats for his conviction?

Answer. Yes, sir.

Question. What was the particular charge upon which he was convicted?

Answer. I presume it was upon the *habeas corpus* charge.

Question. That is, for his refusal ——

Answer. It is what we call the *habeas corpus* clause, his bringing out of the State forces, enlisting them and equipping them, and sending them to Alamance to arrest and imprison the parties there.

Question. And refusing them the benefit of the writ of *habeas corpus?*

Answer. Yes, sir. That was the chief cause of complaint against Holden which led them to institute articles of impeachment.

Question. Was that the specification upon which he was convicted?

Answer. I do not recollect. I think the specification upon which the largest vote was given against him was perhaps for the arrest of Jo. Turner.

By Mr. BECK:

Question. He was a man who had denounced Holden somewhat?

Answer. Yes, sir; he was editor of the Sentinel. I think it was on that count that the largest vote was given; I may be mistaken, but that is all published and printed. I do not treasure up those facts.

Question. It has been alleged that the articles upon which he was convicted were not of a very criminal character, but for some formal dereliction of duty rather than for any violation of law in important particulars. How is that?

Answer. Well, sir, I do not think there is any distinction. There were some who voted one way and some another, but I believe they all voted conscientiously. The one that was the greatest cause of trouble was the one I have just mentioned, his assuming the right to enlist a force and arm it, to take money from the treasury without any authority of law, to pay a force to go and arrest some of his old political enemies, men whom it was said he personally hated; to take them and imprison them without warrant. That made a great deal of excitement; if it had not been for the election we would have had civil war. North Carolina stands a great deal, but I think we would have had fun last summer but for the election.

Question. His conviction could not have been had under your constitution, unless several republicans had concurred in voting for that conviction?

Answer. That is so; but the strongest proof of the enormity of his conduct is the fact that his conduct carried the State of North Carolina like a whirlwind; we would not have had a two-thirds majority in the senate at all if it had not been for the indignation felt throughout the length and breadth of the State; that whirled North Carolina over in her politics; there is no question about that.

Question. Did you have a democratic majority of two-thirds in the senate?

Answer. Yes, sir.

Question. Does it require more than two-thirds to convict?

Answer. No, sir; we had a very large majority on some of the votes.

Question. On some of the votes you had the entire senate, with the exception of the negroes, had you not?

Answer. Yes, sir. But the change in the State is the best evidence of the indignation felt and produced by Holden's policy. The conservatives could not have wished for a better lever to have operated in their own cause than Holden's conduct. He made a grand mistake; it was a political move of his, I have no doubt. The people of North Carolina are a very law-abiding people; just let them know what the law is, and they will submit to it, whether they like it or not. But when Holden took hold

of the army and of the purse, and undertook to hang and kill his old enemies just as he wished, it aroused a great feeling, like the old Revolution. The people would not have submitted to it; it was with a great deal of difficulty that the thing was arrested. The day when the court met in Raleigh we could have raised, as I understood, five hundred volunteers in the form of a posse to go and take Kirk, who had refused to obey process.

Question. Who is Kirk?

Answer. He is said to be a cut-throat from Tennessee.

Question. What has become of him?

Answer. I do not know; they let him get away from North Carolina amongst them.

Question. Who let him get away?

Answer. Jo. Turner, and the other men after him; they wanted to pursue him, to prosecute him.

Question. Did they let him get away?

Answer. Well, the circuit judge, Judge Bond, released him from imprisonment.

By the CHAIRMAN, (Mr. POOL:)

Question. The United States circuit judge?

Answer. Yes, sir; he released him from imprisonment, and Kirk made his escape by night.

By Mr. BLAIR:

Question. Upon what grounds did he release him?

Answer. I never understood. He gave a written opinion, but I was never able to make it tally exactly with our laws.

Question. Kirk was in confinement upon criminal accusation?

Answer. Yes, sir; and upon personal suits also. I think Mr. Turner and others had sued him on a bail writ, a command *capias ad respondendum.*

Question. To respond in damages?

Answer. Yes, sir, I think so; I am not certain. He was also arrested on a State charge, of violation of law.

By the CHAIRMAN, (Mr. POOL:)

Question. You mean on a criminal charge?

Answer. Yes, sir, I think he was arrested criminally and civilly.

By Mr. BECK:

Question. What became of his colleague, Bergen?

Answer. I do not know.

Question. Is he there yet?

Answer. No, sir; I do not think he would go back to North North Carolina.

Question. How were they brought there; what was the excuse for bringing men from other States into North Carolina; was any given?

Answer. None that I ever heard of.

By Mr. BLAIR:

Question. Does not your law require that the officers of your militia shall be citizens of the State?

Answer. Yes, sir. The constitution and laws of the State authorize the governor to call out the militia to enforce the laws; but we never considered this as militia; they were regularly enlisted troops. The militia are the body of the people, who are called out as they stand, both parties mixed together, so that it could not be a political army. This is a people's government.

Question. He has no authority to officer this force except with citizens?

Answer. None at all.

Question. He has no authority to raise an army, and to appoint officers other than citizens of the State?

Answer. That is all, those who are of the regular militia; that is what is provided by the constitution. The legislature attempted to give the power, but the legislature had not the authority to give it to him. The legislature attempted to define an insurrection in such a way as to make it mean an entirely different thing from an insurrection as contemplated in the constitution. They undertook to authorize the governor, whenever he judged that life and property were not secure in any county, to declare that county in a state of insurrection, and to raise militia and send them there.

Question. I did not know that our Ku-Klux law had originated in North Carolina?

Answer. You copied it perfectly; your bill here is almost identical with the Shoffner bill of the legislature of North Carolina.

Question. I am very glad to find out where it originated.

Answer. I have several times remarked the resemblance between the congressional Ku-Klux bill and our Shoffner bill, as we call it.

Question. Heretofore we have been unable to find any precedent for it.

Answer. There is one in North Carolina, and you can find there the results that follow upon it.

By the CHAIRMAN, (Mr. POOL:)

Question. [Showing witness a paper.] Is this the telegram you sent to the Sergeant-at-Arms?

Answer. Yes, sir; and I stated a little while ago what it was; I handed it in with some others I had.

Question. You handed it in with a telegram which you received; I ask you if this is the one which you sent?

Answer. Yes, sir.

[The telegram is as follows:

"CHARLOTTE, NORTH CAROLINA, *July* 21, 1871.

To JOHN R. FRENCH, *Sergeant-at-Arms, United States Senate, Washington.*"

"I ask to be excused for a brief interval, as our superior court commences next week, and I am retained as counsel in many cases.

"H. W. GUION."]

Question. Will you look at the indorsement upon that telegram, which may explain what General Blair called your attention to?

Answer. Yes, sir.

Question. Is that "Com'tee excuse this gentleman?"

Answer. [Looking at the telegram.] Well, sir, I do not know; no, sir, I reckon not. That is a question, though, for judges to decide by inspection.

By Mr. BLAIR:

Question. How would you read that?

Answer. I say it is a judicial question, not one for a witness to decide.

Question. What is that?

Answer. It looks like "Com'tee."

Question. Is it not "Can't?"

Answer. I have no doubt "Can't" was intended, but I suppose the operator made a mistake.

By the CHAIRMAN, (Mr. POOL:)

Question. Is it so written that it would be doubtful whether it meant "com'tee" or "can't?"

Answer. Well, I do not know; he may have made a mistake. The Sergeant-at-arms, having my request to be excused in his hands, and then receiving that paper with that indorsement on it, might naturally have made a mistake.

Question. You spoke of the Loyal Leagues in the State. Have there been any there since 1868?

Answer. I do not know.

Question. Have you heard of any Loyal Leagues assembling since 1868?

Answer. No, sir; I have heard within the last six months that they were getting them up again preparatory to our August election. All the evidence that I have of any existence of it last summer was what I mentioned as to their voting for an individual whose name had not been mentioned.

Question. Who is he?

Answer. A gentleman living at Salisbury. I do not know him.

Question. Was he a candidate for Congress against Mr. Shober?

Answer. Yes, sir. We have a large congressional district, comprising many counties, and his name had not been mentioned before, that I know of.

Question. Do you not know that he was the regular nominee at the convention in Salisbury, and that all the papers had his name published as the candidate?

Answer. I did not know it. I know it was remarked by a great many of us that it was strange that they all voted for him.

Question. Did you never hear that he was nominated at a public convention held in Salisbury?

Answer. No, sir.

Question. What was his name?

Answer. I forget his name; I do not know him personally. You are thinking of Helper; he was the nominee that I recollect.

Question. Helper was an independent candidate.

Answer. I understand that the other one was brought out on the day of election, and he was voted for; and the votes came out with great unanimity; and many negroes, who had not voted before, marched up to the polls.

Question. You had not heard that he was the regular republican nominee?

Answer. No, sir; I had not.

Question. When did these burnings occur in Gaston County that you speak of?

Answer. I think they occurred last summer, or the year before; I am not very distinct about that.

Question. How many burnings occurred there that you heard of?

Answer. Well, sir, there were ten or a dozen barns and buildings, I suppose.

Question. Have you heard of any outrages committed in Gaston County by disguised men on colored men?

Answer. I do not think I have ever heard of it.

Question. Have you never heard it said there that these burnings occurred subsequently to a great number of whippings and scourgings of colored men by Ku-Klux?

Answer. No, sir.

Question. Who told you that the Leagues had any connection with those burnings?

Answer. I heard it from several gentlemen in Gaston. It was talked over in a loose way, like we are all sitting here. But I think that Mr. Grier—however, I cannot give the name positively. It was talked over in a free conversation, half a dozen of us.

Question. Was there any republican present?

Answer. No, sir.

Question. Nobody was present other than democratic leaders in the county?

Answer. No, sir.

Question. They were all democratic leaders who were present?

Answer. That were talking?

Question. Yes, sir.

Answer. They were not leaders.

Question. I mean leading men in that county?

Answer. Yes, sir.

Question. It was in that crowd that you heard that the Leagues authorized these burnings?

Answer. Yes, sir; upon orders from Raleigh.

Question. It was in that crowd that you heard it?

Answer. Yes, sir; it was just an incidental conversation that happened to take place.

Question. How many were present?

Answer. I suppose half a dozen.

Question. You say you had not heard it until last week?

Answer. Mark this: I never heard until last week that the suggestion had come from Raleigh; but I had heard before that the burnings had taken place, and that they were attributable to the Loyal League.

Question. Did not the Sentinel say so with regard to the burnings?

Answer. I am not speaking of the Sentinel now. I am speaking of the current belief in the county of Gaston. I do not pretend to give what was in print.

Question. Did you ever talk with any republican on the subject in the county of Gaston?

Answer. No, sir, not that I know of.

Question. When you speak of the current belief, you mean the belief of the democrats of the county?

Answer. Yes, sir.

Question. But you cannot tell the name of any individual who said the instructions came from Raleigh?

Answer. I might do injustice if I should do so. I will try to think over it for a little while.

Question. You spoke of Mr. Grier; who is he?

Answer. A lawyer in Dallas, Gaston County. I think he mentioned it. He was present, but I would rather not use his name without reflection.

Question. How long has he been at the bar?

Answer. He has been practicing there several years—three or four years.

Question. Is he a democrat?

Answer. Yes, sir.

Question. One of the leading democrats in that county?

Answer. Yes, sir.

Question. How far is Gaston County from Cleveland County?

Answer. Gaston and Cleveland Counties join.

Question. Does Gaston join Rutherford?

Answer. No, sir.

Question. Does Cleveland join Rutherford?

Answer. Yes, sir; Cleveland is between Gaston and Rutherford.

Question. Is there not some apprehension that the examination now going on in Rutherford will extend to Cleveland and Gaston?

Answer. I do not know.

Question. You do not know that they are making preparations there for the Ku-Klux, in case they should be interfered with as they have been in Rutherford?

Answer. I do not know.

Question. You do not know anything about these League operations, except what you have heard in the manner you have spoken of?

Answer. Yes, sir; just in a loose way; without making any inquiries or investigation, it accidentally came up and was talked about.

Question. You know that the Sentinel is the organ of the democratic party in the State?

Answer. I suppose I may say so; it is a leading paper.

Question. The course of the Sentinel has been to charge these burnings upon the Leagues?

Answer. The Sentinel has so published it.

Question. Have you heard anything more than a set of democrats talking after the manner of the Sentinel?

Answer. O, yes, sir, more than that. It is the talk of the people of Gaston County.

Question. Of the white people?

Answer. Yes, sir; I have never talked with any colored people about it.

Question. Have you talked with any republican about it?

Answer. No, sir.

Question. You mean, then, that it is the talk of the democrats of Gaston County?

Answer. Yes, sir; some of those who were injured by it. I do not know that I ought to give names and implicate others. I recollect about the name of one of them, but I do not think it is worth while to give it.

Question. I would prefer to have it.

Answer. It was merely a private conversation between half a dozen of us. He said that he knew pretty well who had burned his barn and his house, and that it had been said that the orders came from Raleigh.

Question. I would like to have the name of that gentleman, for it is a very serious matter, and the committee ought to investigate it. Was he a leading democrat in the county?

Answer. A man pretty well off.

Question. His barn had been burned?

Answer. Some of his property, I think; probably his barn.

Question. And you never heard of an outrage committed by disguised men in the county of Gaston?

Answer. None that I recollect of.

Question. You have heard of no Ku-Klux operations in that county?

Answer. I cannot say that I ever have heard of what you call Ku-Klux operations; but, mark me, now, I am not enough of a politician to treasure up these things, and gather them up. They may have occurred, and I may have heard of them; but, if so, the thing has gone out of my mind. You know how I live; I generally stick to my office and to my business. If any rumors of politics or anything else get about, it is merely accidentally that I hear of them. But this parleying I heard occurred last week in a leisure time, over in Gaston.

Question. I understood you to say that all the judges were obscure men, and that one obtained his license just before the election.

Answer. I said most of the judges.

Question. You referred to Judge Russell when you spoke of the judge who had got his license shortly before the election?

Answer. Yes, sir.

Question. Is he a good judge?

Answer. I think he is considered a good judge, considering.

Question. Is he a man of character?

Answer. He is a young man; I do not know much about him. You know how far apart we live; we have no intercourse with each other. I may say that I never heard any complaint against him.

Question. He is a young man of extraordinary abilities?

Answer. Of good abilities.

Question. Do you know his father?

Answer. Yes, sir.

Question. Is he a man of standing in the State?

Answer. Yes, sir.

Question. Is he a man of property?

Answer. I do not know about his property now; he was a wealthy man before the war; I do not know how the war served him.

Question. Is he a man who has been in public position in the State?

Answer. Yes, sir; he is a respectable man.

Question. Have you ever heard anything against Judge Russell's character in any way?

Answer. I do not know that I ever have. I never expected to be asked these questions; you take me by surprise in asking all the questions you do; I never have thought of these things. There have been some articles published about him, you know, in relation to his charges against Sampson County or Duplin County.

Question. In regard to Ku-Klux cases?

Answer. Yes, sir.

By Mr. BLAIR:

Question. What were those charges?

Answer. They were charges in which he had made certain allegations of Ku-Klux organizations in the county.

By the CHAIRMAN, (Mr. POOL:)

Question. That is, his evidence here?

Answer. Yes, sir.

Question. State what that is.

Answer. I have only seen it in the papers.

Question. Do you not recollect that the grand jury went into court and called his attention to some of his statements here, and said that they knew nothing of Ku-Klux outrages in the county, and that the judge called their attention to the names of parties and to cases; whereupon the grand jury found a bill against a considerable number of men for Ku-Klux outrages, some seventeen of them?

Answer. I do not recollect.

Question. You do not recollect that a bill was found?

Answer. No, sir; it was in my paper, but I did not read it.

Question. Do you not recollect of the Sampson Ku-Klux being put on trial, a great number of them, about ten weeks ago?

Answer. I do not recollect.

Question. Growing out of this very matter?

Answer. I do not recollect seeing that. If it appeared in the papers, I skipped it. I look upon it as a sort of political foot-ball now-a-days, each party trying to make the most of it.

Question. Judge Pearson is chief justice of the State?

Answer. Yes, sir.

Question. How long has he been chief justice of the State of North Carolina?

Answer. I do not recollect when he was elected; some time between 1840 and 1850.

Question. He has been chief justice of the State for twenty years, or in the neighborhood of twenty years?

Answer. Yes, sir.

Question. He was chief justice of the State during the war?

Answer. Yes, sir, and before the war.

Question. Do you know Judge Reed, another of the supreme court judges?

Answer. Yes, sir.

Question. There were five judges of the supreme court?

Answer. Yes, sir.

Question. Is Judge Reed a man of good character?

Answer. I would rather not be asked about the character of these judges. If you will excuse me, I would prefer not to be asked.

Question. Was Judge Reed a member of Congress before the war?

Answer. I think he was.

Question. Was he a member of the confederate senate?

Answer. Yes, sir.

Question. What is his age?

Answer. I reckon he is a little older than I am; sixty-two or sixty-three, I think.

Question. Has he been a lawyer ever since he has reached manhood?

Answer. Yes, sir, ever since I have known him. My first acquaintance with Judge Reed was about the year 1839 or 1840. He was then practicing law, and was considered a very good lawyer.

Question. He was a very good lawyer in 1840?

Answer. Yes, sir.

Question. He has been practicing law ever since?

Answer. Yes, sir.

Question. Is he a man of high character?

Answer. I would rather be excused from answering these questions.

Question. If there is anything against him I would like to know what it is.

Answer. Well, sir, I would rather not say anything. I do not think it could do any good to speak of the characters of these judges, and it might do harm.

Question. I propose to ask about the character of each of the judges. I never heard anything against any of them, except, perhaps, that one of them would drink a little too much. Do you consider Judge Reed a good judge?

Answer. Yes, sir; a pretty fair judge.

Question. Take Judge Dick, another one of the supreme court judges. Was he a prominent man in politics before the war?

Answer. Yes, sir; he was a young man.

Question. Not so very young?

Answer. No; he never took a very high stand.

Question. Was he not a Douglas elector in 1860?

Answer. Yes, sir; but they do not always take the highest order of intellect for electors. I do not think that gives any great amount of distinction; for, as you recollect, you and I were electors on the Jeff. Davis ticket, and I do not think that elevated us any.

Question. They ran me on both tickets, so that I got all the votes?

Answer. Yes, sir.

Question. On both the Union and secession tickets?

Answer. Yes, sir. I was not a candidate on either ticket.

Question. They did not consult you when you were put on?

Answer. No, sir.

Question. Nor did they consult me. When was that?

Answer. That was in 1862.

By Mr. BECK:

Question. After you had seceded?

Answer. Yes, sir. Mr. Pool seemed to think that being appointed an elector was elevating a man very greatly. He and I happened to be candidates for electors, and I know it never elevated me very greatly.

By the CHAIRMAN, (Mr. POOL:)

Question. Is Judge Dick a man of high character?

Answer. I would request the committee now not to ask me to give the character of these judges.

Question. I will submit the question to the committee. The reason why I put this question to you is, that you have spoken disparagingly of the judiciary of the State; and I want to see why.

Answer. Well, the people think there——

Question. When you say people you mean the democrats of the State?

Answer. Yes, sir, and a great many who are not democrats. For instance, in Judge Logan's district, where I am familiar with the people, there they are the republicans and democrats and all; there is hardly a dissenting voice. The radical lawyers in the whole circuit, all the lawyers on both sides, have signed that paper against Judge Logan; there is no difference of opinion there.

Question. We will take that up presently when we come to it.

Answer. In our paper we left out everything as to his private character. I do not wish to speak of charges made against judges of the superior court, or judges of the supreme court.

The CHAIRMAN, (Mr. POOL.) I will submit the question to the committee. I consider it a legitimate one. It is the same course of examination that we have pursued heretofore, as the committee very well know. I do not see why we should not have it on this occasion.

Mr. BLAIR. This witness is a lawyer, practicing before the judges there, and he might not feel entirely safe in stating all that he knows.

Mr. BECK. Where the witness has spoken of the competency or incompetency of the judges, that far it would be proper to examine him in regard to each one. But I do not understand that he has spoken of the private character of the judges of the State, of their characters as men. They not having been on the witness stand before us, I do not see that their private character, or their personal standing as men, has been brought up before us in any way. And a lawyer practicing at their bar might very naturally feel a great indisposition, unless it was strictly a legal question, to speak of the private characters of these individual men.

The CHAIRMAN, (Mr. POOL.) I understood the witness to speak of their private character; he certainly spoke of corruption in connection with them, and he referred to their drunkenness.

By Mr. BLAIR:

Question. These judges are elected?

Answer. Yes, sir, and by a general ticket.

Question. When a great portion of the people of your State were disfranchised?

Answer. Yes, sir; all the names were put on one ticket.

Question. They were all on one ticket, and elected at a time when a large number of your people were disfranchised?

Answer. Yes, sir. All the names were put on one ticket, and a great many men were intimidated from voting by the threat of confiscation. It was at a time when they had lost their negroes, and it was expected that they would lose their lands if they dared to vote; and a great many weak-kneed people were intimidated from voting.

Question. That is their tenure of office?

Answer. Yes, sir. There is this difference between incompetency and corruption: you cannot impeach a man for incompetency; it is not a ground of impeachment; it is not a high crime to be incompetent, mentally or physically. Suppose a judge is elected, and is then stricken down by paralysis, you cannot impeach him, but you may remove

him on the score of incompetency. A man may be mentally incompetent, and yet not vicious or corrupt. Therefore, when I say there has been want of confidence in the judiciary of our State, I do not mean to be understood thereby that they are guilty of those high crimes and misdemeanors for which they are impeachable. I do not wish even to refer to those things that have been referred to in relation to the private character of the judges, though there are some things evidently that Mr. Pool has not heard of. I do not see that it would make any difference in this investigation.

By the CHAIRMAN, (Mr. POOL:)

Question. Do you think that Judge Dick makes a good judge?

Answer. Well, moderately good.

Question. Do you mean to say that you have ever heard anything against Judge Dick's private character?

Answer. No, sir.

Question. You never heard anything against his private character?

Answer. No, sir.

Question. I think that will relieve Judge Dick, as this point occurred on his name.

Answer. I never heard anything against his private character.

Question. Now, with regard to Judge Rodman, one of the judges of the supreme court; is he an old lawyer in the State?

Answer. Yes, sir; we entered Chapel Hill University together.

Question. He is some sixty-odd years of age?

Answer. About fifty-five, I reckon.

Question. Has he been practicing law there since maturity?

Answer. Yes, sir.

Question. Has he the reputation in the State of being an able lawyer?

Answer. Yes, sir.

Question. Was he one of the leading lawyers of the State before the war?

Answer. Yes, sir.

Question. Do you recollect whether he was run for supreme court judge before the war by the democrats in the legislature?

Answer. I do not recollect it.

Question. Did you hear him named before the war by his party as a proper person for supreme court judge?

Answer. I do not recollect it now.

Question. You consider him an able lawyer?

Answer. He is an able lawyer.

Question. Do you know Judge Boyden?

Answer. Yes, very well; I have practiced law with him for thirty years.

Question. He is the fifth of the supreme court judges?

Answer. Yes, sir.

Question. What is his age?

Answer. Nearly eighty, I reckon.

Question. How long has he been practicing law?

Answer. Before my day; I suppose he has been practicing law from the year 1830.

Question. Did he have a leading practice in his circuit?

Answer. Yes, sir.

Question. He had a large practice there for thirty years?

Answer. Yes, sir.

Question. Is he a man of pure character?

Answer. Yes, sir.

Question. Did you ever hear anything against his character?

Answer. I never heard anything against it.

Question. Do you consider him an able lawyer?

Answer. Yes, sir.

Question. Do you consider him a good judge?

Answer. He has sat on the bench only during this last term. Sometimes very good lawyers make very poor judges.

Question. You know his ability as a lawyer at the bar?

Answer. Yes, sir; I did not attend the last term of the supreme court, and their decisions have not been published. If you could see his handwriting, I reckon he would have "can't" for "com tee" any time, and all the time.

By Mr. BUCKLEY:

Question. He is not alone in that?

Answer. No, sir; but one of the worst.

By the CHAIRMAN, (Mr. POOL:)

Question. What republican lawyers signed the petition for Judge Logan's removal?

Answer. Well sir, every one in the circuit.

Question. What one signed it?

Answer. William P. Bynum for one, and Rufus Barringer for another.
Question. What is the purport of that petition?
Answer. His utter incompetency.
Question. Can you name any other republican lawyers who have signed that petition?
Answer. I do not know that there are any others in the district. I understood that all the lawyers had signed it.
Question. Is that a petition to your legislature for his removal?
Answer. Yes, sir; a memorial to the legislature.
Question. When was it gotten up?
Answer. In November last, I think.
Question. In November last?
Answer. No, sir; I am mistaken; it was in May last, during our spring court, at the last term of the court.
Question. That was after Judge Logan had made a move against the Ku-Klux—after their outrages in Rutherford?
Answer. Yes, sir.
Question. He has made himself very active in trying to bring these men to justice, has he not?
Answer. Well, I do not know about that.
Question. Have you not heard of this activity in bringing them to trial?
Answer. I do not know whether he is the man that is doing it, or the United States commissioners who are there.
Question. Had he not made an effort before to bring them to trial; had he not had a great many of them arrested and brought before him?
Answer. I understood they were arrested and carried to Rutherfordton, and some thirty odd of them imprisoned in the court-house for three or four days.
Question. Carried before Judge Logan?
Answer. Yes, sir.
Question. And afterward the United States authorities came in?
Answer. More recently.
Question. It was after that that this memorial was got up?
Answer. Yes, sir. There were a large number arrested, and he was there—the magistrate, you may say, before whom the warrant was returned; but whether he was the author of the warrant I do not know.
Question. It was after the difficulty with Mr. Schenck that this memorial was got up?
Answer. Yes, sir.
Question. Mr. Schenck is a practicing lawyer before Judge Logan?
Answer. Yes, sir.
Question. And a leading democrat in your circuit?
Answer. Yes, sir.
Question. Did you ever hear Mr. Schenck accused of being a leading man in the Ku-Klux organization?
Answer. No, sir, I never did. I have never heard that any person within our district was a member of the Ku-Klux organization; I did not know, and I do not know now, that there is such a thing.
Question. When was this statute passed in regard to disbarring attorneys, which was shown to Judge Logan?
Answer. At the last session of the legislature.
Question. Last winter?
Answer. Yes, sir.
Question. By the same legislature that impeached Governor Holden?
Answer. Yes, sir.
Question. It is a new statute?
Answer. It is a new statute.
Question. It gave lawyers authority to abuse the judiciary as much as they pleased if it is done out of court?
Answer. No, sir.
Question. Is there any way of punishing them for abusing the judiciary and bringing the courts in disrepute?
Answer. It gives them no authority to do it; it only says that instead of trying a lawyer, as in the old way, by the judge who decided all questions of law and fact, the question of fact should be tried by a jury in the first instance. I think, myself, we shall wish it repealed now; but it was that want of confidence in the judiciary that induced the lawyers to have it passed.
Question. You mean the democrats in the legislature?
Answer. I suppose the democrats voted for it; I do not know that they voted for it or against it.
Question. Before last winter there was no such law upon the statute book in North Carolina?
Answer. There was a law in relation to contempts; this went further. This was an

act to amend and add to a former statute. We copied the statute in our State from the statute of the United States.

Question. In which you took from the judiciary the power to punish a lawyer for any contempt and abuse of whatever grade?

Answer. No, sir; it did not take from them that power.

Question. It took away the punishment?

Answer. They are punished now as before; but it takes away from the judge the power to decide the fact; that must be decided by a jury.

By Mr. BLAIR:

Question. It does not allow the judge to be the judge in his own case?

Answer. No, sir; it grew out of the Bat. Moore case.

By the CHAIRMAN, (Mr. POOL:)

Question. I know when it came up, and what was the purpose of it.

Answer. I think the purpose was good; but I think we will see the day when we will want it repealed.

Question. When you get democratic judges?

Answer. No, sir; when politics and law are not mixed up in court-houses. I would prefer, as a lawyer, to be tried by a judge alone, if he will do justice, rather than by a jury.

Question. Can a lawyer be tried at all before a jury for simply treating a judge with discourtesy outside of a court?

Answer. Precisely as before.

Question. Could he be tried before?

Answer. Yes, sir.

Question. Is it a criminal offense to speak ill of the judiciary?

Answer. The judge had no right to remove a member of the bar for speaking disrespectfully of the court, unless he went so far as to injure the court as a court; then it becomes libelous; for that a lawyer is indictable now by common law, and was indictable before. Before this time these questions were tried by the judge against the lawyer; the lawyer stood upon a different footing from an ordinary individual, an editor, a printer, or any other citizen. Their cases had to be tried by a jury, and they had to be convicted by a jury; but the lawyer was not tried in that way. Now we all stand on the same footing. The matter that justifies a judge in taking away a lawyer's license must be of a criminal character—some delinquency of his that justifies his removal. In the Bat. Moore case it was said that lawyers were judged before they were tried upon a matter not libelous, and upon a matter for which a jury would not have convicted them. Therefore the legislature passed an act requiring the question of fact to be hereafter tried by a jury.

Question. Has there not been a great deal of abuse in the public papers and elsewhere of the judiciary of the State?

Answer. Yes, sir.

Question. And by the democratic speakers on the stump?

Answer. Yes, sir; very great.

Question. And the purpose of passing that statute was to give free swing to that abuse?

Answer. I do not know that that was the purpose.

Question. Is not that the effect of it?

Answer. I do not think it is.

Question. Do you think the general abuse of the judiciary of the State, in the democratic newspapers and by democratic speakers, in their harangues before the people, is calculated to raise the confidence of the people in their courts?

Answer. No, sir.

Question. Now let us see how much you know of the facts in the Biggerstaff case. Did Biggerstaff fire that gun?

Answer. I cannot rely upon my own statement in regard to the case; I know very little about it.

Question. Are not the facts these: that a man by the name of McGahey had been raided upon by disguised men that night, his wife abused by them, and he called on the neighbors, and, among others, Mr. Biggerstaff, to go with him to track these parties; that when they got near another Biggerstaff's house, McGahey left the crowd at the gate, ran up to the house, and fired a gun into the house; that Biggerstaff and the others left him, and refused to go further with him because of that act of his?

Answer. I cannot answer the question. As I have said before, I have no doubt I heard the facts detailed, but I do not recollect them well enough to state them.

Question. That state of facts has been disclosed before this committee.

Answer. Whether true or false, I do not know.

Question. That they left McGahey at the gate upon his firing into the house, and that upon that Aaron Biggerstaff was tried. Do you think the fine was too little if those were the facts of the case?

Answer. Yes, sir; I think if one man shot at another, $20 is a very small fine.

Question. Are you not assuming the fact to be that Biggerstaff fired the gun, when it was McGahey who did the shooting?

Answer. I do not know anything about the case.

Question. If the facts were as I have said, would you think the fine was too small? You say that the fine was not sufficient, and still you say you do not know the facts.

Answer. No, sir.

Question. Let me give the facts as they appear before the committee. The witnesses have stated that the wife of McGahey had been outraged that night by men in disguise. Upon McGahey's coming home a few hours afterward, and learning what had been done to his wife, he called on Mr. Aaron Biggerstaff and two or three other neighbors to go with him and help track the men. The track led to the house of Mr. Samuel Biggerstaff, and McGahey left the crowd who were with him, ran ahead of them, and fired into the house; he left Aaron Biggerstaff and others at the gate when he ran ahead and fired. Then they refused to go further with him in pursuit of the men who had outraged his wife, because of that violent act of his. For that offense Aaron Biggerstaff and others were indicted and tried. Do you think it was wrong for these men to have gone with McGahey in pursuit of the men who had outraged his wife that night?

Answer. No, sir.

Question. Do you think they were in any way responsible for McGahey's firing into the house, if they were standing out at the gate?

Answer. I would rather think they were responsible for all that was done.

Question. If they immediately manifested their disapprobation of that act; if they refused to go with him afterward?

Answer. That may have qualified it.

Question. Do you think $20 fine for one of the parties who disapproved that act was too small a fine?

Answer. I think so. I disapprove of Ku-Kluxing or violence of any kind.

Question. In what did Mr. Aaron Biggerstaff's offense consist, if the facts were as I have stated?

Answer. If he shot a man——

Question. He did not; McGahey was the man who did the shooting.

Answer. Do you not think that all the parties would be implicated alike when they get together for a common purpose? It was so held by Judge Pearson last summer. Judge Pearson held that every Ku-Klux in every part of the State were liable for the common deeds of the organization, for the whole conspiracy.

Question. Did you ever hear any lawyer doubt that proposition?

Answer. I should not be inclined to doubt it.

Question. You do not suppose any lawyer would doubt that?

Answer. No, sir.

Question. In what did Mr. Aaron Biggerstaff's offense consist? Was it not proper for him to have gone with McGahey in search of the men who had outraged his wife that night?

Answer. Certainly it was.

Question. Was there any harm in his stopping at the gate?

Answer. None at all, unless there was some purpose in it.

Question. And if this man McGahey ran ahead without his consent, and fired into the house, and he manifested his disapproval by refusing to go with him any further, what was the heinous offense which he had committed?

Answer. That was a question for the jury.

Question. And for the judge also, when he came to impose the fine?

Answer. Yes, sir; I should say that every one in the crowd was responsible for all that was done.

Question. If you should go in company with a number of men to punish a man who had committed a high crime, and one of them got ahead and killed a man without your knowledge or your connivance, what would be your responsibility for that?

Answer. If those were the facts——

Question. Those are the facts.

Answer. I have never heard the facts stated.

Question. Then how can you say that $20 was too small a fine?

Answer As I heard the case, if this party Biggerstaff, or whoever was tried for firing the gun at another, if he was convicted of that I would say that a fine of $20 was too small.

Question. The fact stated to you was, that the man who fired the gun into Samuel Biggerstaff's house was the man on trial?

Answer. Yes, sir.

Question. And he was convicted for that offense and fined $20?

Answer. Yes, sir.

Question. And, upon that state of facts, you make the charge against Judge Logan?

Answer. Yes, sir.

Question. Who made that statement of facts to you?
Answer. It was common talk.
Question. Among democrats?
Answer Yes, sir.
Question. Among the lawyers practicing in that circuit?
Answer. I do not know whether lawyers or other citizens.
Question. That is the report they have got out?
Answer. Yes, sir; that for firing a gun at another the party was fined only $20.
Question. The party who fired the gun was fined $20 only?
Answer. I say that all the parties who were with him were equally guilty. I do not recollect the facts; I did not treasure them up, or try to recollect them.
Question. Was Judge Logan a member of the confederate congress?
Answer. Yes, sir, I believe he was.
Question. Has he frequently been a member of the North Carolina legislature?
Answer. I do not think he has been in the legislature often; I do not think he has been there more than once or twice, so far as I recollect. There was another Logan there, who was in the legislature—Albert Logan.
Question. You spoke about a man having been prosecuted who you think used brass knuckles in the fight?
Answer. Yes, sir.
Question. What was the provocation to that man?
Answer. It was a very silly affair on both sides. It was not political.
Question. State some of the circumstances connected with it.
Answer. I will, if I can recollect them. It seemed that they had a party in the country.
Question. Who were the parties? Give us the names.
Answer. I cannot do that, as my memory is so frail as to names and dates and details that I cannot recollect little, minute things that do not make a permanent, solid impression. It was a little fight one night at a party where they were gathered together to dance and quilt. It seems that one had come in without an invitation; he was twitted about it and got mad, and asked the other party to come out of doors. He would not do that. His brother said that he would go, and he went out. In a little while they got into a fight. They scuffled until they fell over the fence, and were there separated. This defendant stepped off in the dark in a path that led to the house, and after a little while came back and met his adversary. With one blow he felled him to the ground; when he rose he struck him three or four more blows, and broke his skull all to pieces. These are the facts of the case.
Question. They had met for the purpose of dancing and quilting?
Answer. I believe they had met for quilting; I am not certain about it; but it was a little dancing party.
Question. You say the judge in that case fined the defendant $75?
Answer. Yes, sir; after I had stated to him the evil effects of the small fines, and I did it pretty boldly and strongly.
Question. Was the other party fined anything at all?
Answer. No, sir; the other party was not on trial.
Question. He was not on trial?
Answer. I think he submitted. I do not recollect what the judge fined the other party, or if he fined him at all. I submitted for him.
Question. What has been the conduct generally of the colored people in your county?
Answer. Very good, with the exception of rapes and murders and thefts, and things of that kind; but, so far their bearing toward the white people is concerned, they have been very good.
Question. How many rapes have been committed in your county within the last two years?
Answer. Several.
Question. How many would you say?
Answer. In the last two years?
Question. Yes, sir.
Answer. Well, I could not tell.
Question. Can you give any case of rape?
Answer. Yes, sir; there was a case of rape in the last superior court, where a colored fellow raped a little colored child not two years old.
Question. Have there been any rapes by colored men on white women in your county?
Answer. I do not recollect; two years ago is going back a long way. Mecklenburgh has always been famous for rapes.
Question. Do you recollect any rape committed upon a white woman by a colored man?
Answer. I think there has been.
Question. Can you name a case at all?

Answer. No, sir, I cannot; but I am pretty sure there has been more than one.
Question. More than one by colored men upon white women?
Answer. Yes, sir.
Question. But you cannot call the name of the man or the woman either?
Answer. No, sir.
Question. Were they tried in court?
Answer. I really do not recollect. We have a very heavy criminal calendar; but I do not pay any attention to it unless I am applied to and paid. Over in Gaston last fall I appeared in a case of that kind. There were several committed over there, very ugly cases; one of them is sentenced to be hanged now, and the other has made his escape.
Question. Have you ever found any difficulty in convicting them?
Answer. They get off oftener than the whites, I believe. I have seen men get off for murder when it was the universal ——
Question. Do you mean to say you have heard of any case of a colored man committing a rape upon a white woman in Gaston County?
Answer. Yes, sir.
Question. How many cases?
Answer. I appeared in a case last spring where two negroes had outraged a woman and her daughter; the daughter was fourteen or fifteen years old. It was at midnight, and one of them presented a pistol to the mother while the other threw the daughter upon the floor and raped her. They took turns; one raped the daughter, and then went back to the mother and held a pistol at her head while the other raped the daughter.
Question. That case was published in the papers at the time?
Answer. Yes, sir; I think it was. Another rape was committed at the same time, but the fellow ran off. It was very close to the South Carolina line, and he made his escape in that way.
Question. Was it a rape committed by a colored man?
Answer. Yes, sir; rapes are much more common than you have any idea of.
Question. Are there more cases of that sort in Mecklenburgh County now than before the war?
Answer. I do not think there are.
Question. You do not think there are?
Answer. I cannot say there are.
Question. You spoke of some gentlemen in Gaston saying that they had been threatened with being hanged by the League?
Answer. Yes, sir.
Question. What was the name of that gentleman?
Answer. There were two or three of them who mentioned it. Mr. Grier gave me a fuller account of it than the others.
Question. What did he say?
Answer He said they had notified him that he was to be taken out of his room at night and hung, that the ladder and rope were ready; and the intimation was that there was a large force ready to do this hanging. Mr. Grier and several others, whose names I did not learn or inquire, told me that.
Question. Who told Mr. Grier so?
Answer. I did not inquire.
Question. Who threatened him?
Answer. I did not inquire at all. He just told me that he had come very near being hung, and went on to give this account of it; he did not treat it with any kind of seriousness.
Question. He said he had been threatened in that way?
Answer. Yes, sir.
Question. Threatened by the League?
Answer. It was generally understood that it was by the League?
Question. What prevented it being done?
Answer. He and several other gentlemen sat up and watched.
Question. When was that?
Answer. I do not recollect when it occurred.
Question. Was it last spring?
Answer. It was told to me a week ago.
Question. When did it occur?
Answer. Last summer, I think. The threat was that several of the leading men in the county had been picked out to be killed or hung, and he was one of them.
Question. You practice law in the county?
Answer. Yes, sir.
Question. But you never heard of that until a week ago?
Answer. No, sir.
Question. And you heard of it in this same assemblage in which you heard about the barn-burning?
Answer. No, sir; it was in another conversation.

Question. Who was present?
Answer. I think Mr. Grier was alone; or it may be that Mr. Lewis was there.
Question. Is Mr. Grier a leading democrat?
Answer. Yes, sir.
Question. Is he a lawyer?
Answer. Yes, sir.
Question. Who is Mr. Lewis?
Answer. He keeps the hotel there.
Question. Had you then been summoned before this committee?
Answer. I did not get the summons until I got home.
Question. You found the summons awaiting you when you returned home?
Answer. Yes, sir.
Question. Did you hear this from any other man?
Answer. I do not recollect that I ever did.
Question. And you never heard it from anybody until a week ago?
Answer. No, sir.
Question. Is it not strange that so outrageous a threat as that, directed to several prominent men there, members of the bar, that they were to be taken out and hung, a matter so serious in their opinion that they sat up and watched to prevent it—is it not strange such a thing as that should rest for a year before it reached your ears?
Answer. No, sir.
Question. It is not strange?
Answer. No, sir, because I do not gossip; a great many things occur that I never heard of.
Question. You have no idea that was gotten up to justify the Ku-Kluxing they have been accused of?
Answer. No, sir; I have no idea of that.
Question. You have no idea that it was got up as a counter-statement?
Answer. No, sir. I suppose they attached about the same importance to it that I did when I heard it; that it was really a threat or intimidation, and not intended to be carried into effect. That is the reason I did not attach any more importance to it when I heard it than I did.
Question. Do those lawyers in Gaston also practice in Cleveland?
Answer. I do not know.
Question. Does not Cleveland join Gaston?
Answer. Yes, sir.
Question. Those two counties are in the same judicial circuit?
Answer. Yes, sir.
Question. And Rutherford County joins Cleveland County?
Answer. Yes, sir.
Question. Those two counties are in the same judicial circuit?
Answer. Yes, sir.
Question. You say that you have not heard any apprehension expressed that these investigations which the United States authorities are making in Rutherford will be extended into Cleveland and Gaston Counties?
Answer. No, sir.
Question. Have you heard of any Ku-Klux outrages in Cleveland County?
Answer. I heard of one called a Ku-Klux offense; I believe that was in Cleveland County; it was really not a Ku-Klux affair.

By Mr. BLAIR:

Question. What was that?
Answer. It is hardly worth putting in here. A man was treating his own wife very badly and sleeping with some other woman, and his neighbors got about him and told him he should stay with his wife, and leave the other woman.

By the CHAIRMAN, (Mr. POOL:)

Question. You heard that some men in disguise went to this man's house and whipped him for treating his wife badly?
Answer. I did not hear that they were disguised.
Question. You heard that they whipped him?
Answer. I heard that they whipped him; I heard the name of the man; it was said they Ku-Kluxed him, and then they stated the cause.
Question. You have heard of no other case of Ku-Kluxing in Cleveland County for the last two years?
Answer. I have not.
Question. Do you practice law in that county?
Answer. I go there sometimes; not regularly.
Question. What did you mean by saying that this Biggerstaff case—I mean the whipping of Biggerstaff—had acquired a degree of importance that was far beyond what it deserved?

Answer. I think it was a mere personal difficulty between two men; it was an assault and battery, nothing more.

Question. Did you hear that Mr. Biggerstaff was visited by a band of disguised men at night, taken from his house, and very badly whipped?

Answer. Yes, sir; but it was not believed.

Question. It was not generally believed that he was whipped?

Answer. No, sir

Question. Is it the general impression in your county that he was not whipped at all?

Answer. I would state that the general belief was that it was not any band of men that whipped him, if he was whipped at all. Most of those I have heard describe the whipping believe it was a got-up story, manufactured for the purpose of making political capital.

Question. You say that a great many believe that he was not whipped at all?

Answer. Yes, sir.

Question. And the rest do not believe that he was whipped by a band of disguised men?

Answer. Not by a band of men, or the Ku-Klux organization; that was the general belief at the time. I do not know what evidence has come out since.

Question. And that it was an affair gotten up by the republicans for political effect?

Answer. Yes, sir.

Question. When you speak of that as the general belief, you mean it is the belief of the white democrats?

Answer. Yes, sir; of the intelligent portion of the community.

Question. Was it so charged in the democratic papers of the State?

Answer. Well, sir, you are too hard for me there; I do not recollect that I ever saw it in print; it may have been, however.

Question. You would not mean to say that if a peaceable citizen was taken from his house at night by a band of disguised men and brutally whipped, that if that was the case, any undue importance had been given to it?

Answer. It is no more than an assault and battery at best.

Question. Did you not hear that Mr. Biggerstaff, when on his way under summons as a witness to appear before the United States commissioner at Shelby, was again attacked by a band of disguised men, and had his arm broken?

Answer. I heard that, but I do not know that I believe it.

Question. Do you hear that generally denied?

Answer. Yes, sir; it is the general belief that that was a fabrication, because he refused to go when they gave him an opportunity to go on.

Question. It was generally believed that he was not attacked when on his way to Shelby?

Answer. Yes, sir.

Question. Do you mean it is generally believed among the white democrats in your locality?

Answer. Yes, sir; I do not associate with the negroes, and I do not know but very few republicans in Mecklenburg County. I cannot mention more than two or three.

Question. Do you know General Rufus Barringer?

Answer. Yes, sir.

Question. Is he a republican?

Answer. Yes, sir.

Question. Is he a member of the bar?

Answer. Yes, sir.

Question. Was he a major general in the confederate service?

Answer. Yes, sir.

Question. Is he a man of character?

Answer. He is a man of character.

Question. You say that the white democrats generally deny that Mr. Biggerstaff was attacked at all the second time by a band of men?

Answer. I think that is the general belief.

Question. The general belief is that he was not attacked at all?

Answer. Yes, sir; he had an opportunity to go the third time for examination, and would not go; that is the rumor.

Question. That is the general impression?

Answer. Yes, sir.

Question. Is that impression quite as general as the impression that the Leagues encourage these burnings in Gaston?

Answer. Well, I cannot say that it is.

Question. You said that it was considered a great hardship for the men who attacked Biggerstaff, and were indicted, to be taken to Raleigh in the United States court?

Answer. Yes, sir; it caused a great deal of talk.

Question. Are you not aware of the fact that those men were first arrested and taken before the United States commissioner in the town of Shelby?

Answer. Yes, sir; I understood so.

Question. How far is Shelby from Rutherfordton?

Answer. It is twenty-five or twenty-six miles.

Question. You would not consider it any hardship to take them that far?

Answer. No, sir; not if it could not be avoided. It was a very busy season of the year, is the way I heard it spoken of; those were poor people, men who had their crops to attend to. And to oblige them to go to Raleigh, at great expense, unable to carry friends with them to stand their bail, was subjecting them to excessive hardship.

Question. But to go to Shelby was not any great hardship?

Answer. They could carry their friends there to give bail for them.

Question. There was no investigation there?

Answer. They gave bail to appear at court.

Question. To appear on what day?

Answer. I do not recollect the day.

Question. Suppose the witnesses who were summoned to appear against them at Shelby had been waylaid by a part of their Klan, not suffered to go on, driven back, what other course was there to pursue?

Answer. Bind them over to court; it was in vacation.

Question. Were they not indicted in the circuit court in Raleigh?

Answer. Not at that time, I think.

Question. Have they not been indicted there since?

Answer. I understand so; at least they have been bound over to that cour.

Question. Have not true bills been found against them?

Answer. I do not know whether bills have been sent in against them or not.

Question. How many men did you understand were with Lowry in the Robeson disturbance?

Answer. Well, sir, I have seen the names of only half a dozen.

Question. Is it understood that his gang exceeds ten men?

Answer. I never have heard anything about it, except what you see in the papers. I, myself, have never supposed that there were more than a few of them.

Question. Not more than a few men?

Answer. From the character of the people—I know the people—I judge it was a small squad of lawless characters banded together.

Question. Do they not conceal themselves in the swamp?

Answer. They have got bolder than that lately; they come out in open daylight.

Question. It is reported that they retreat to the swamp?

Answer. Yes, sir.

Question. Is it not very difficult to find them?

Answer. Yes, sir, and dangerous.

Question. Difficult and dangerous to get a gang of seven or eight men out of the swamp?

Answer. I did not say seven or eight men; I said that in my opinion it was a small force.

Question. Did you ever hear it put higher than ten?

Answer. I have never heard it said.

Question. From the opinion which you have formed, from all you have heard, without specifying what you have heard, do you suppose that gang to be over ten?

Answer. I cannot say whether it was ten or twelve or seven; I have never supposed it was a large force.

Question. The chief difficulty is that they can hide in a very inaccessible swamp?

Answer. Yes, sir.

Question. Is not that swamp very large?

Answer. There are a great many swamps there.

Question. In the nature of a jungle?

Answer. A portion of it.

Question. How many men do you suppose it would take to get one single man out there?

Answer. That is a matter of military tactics; I cannot give any opinion about it.

Question. Do you suppose one man in there, armed, is as good as ten men pursuing him?

Answer. I should suppose one was as good as ten; that is my judgment.

Question. Have the people of Robeson County generally, without regard to party, taken any steps to break up this gang?

Answer. I do not know anything as to party.

Question. I say without regard to party?

Answer. I do not know; in fact, I do not know what steps have been taken.

Question. You complained that the State government has not seemed to take any steps in regard to it?

Answer. I did not complain.

Question. You said so.

Answer. I said it was rather singular.

Question. Do you not know that a company of militia was sent down there specially by the State governor for that purpose?

Answer. I do not know.

Question. Do you not know that the sheriff was written to by the governor two or three times, and that he has raised a posse?

Answer. I saw it recently, for the last week or so.

Question. Has it not been done the last year or two?

Answer. I do not know.

Question. Has not Lowry been arrested twice and made his escape?

Answer. I cannot say.

Question. Has not the State government applied to the United States troops to help the State authorities?

Answer. I understood that the United States troops were there at one time.

Question. Do you not know that they remained there for a space of six months?

Answer. I cannot say how long.

Question. Are they there now?

Answer. I understood they had been taken from Robeson County and sent to Rutherford.

Question. Recently?

Answer. Yes, sir.

Question. Then you do not know what the State government has done to put down that gang?

Answer. No, sir.

Question. You cannot say it has done nothing?

Answer. Well, I cannot say it has done much.

Question. Because you do not know what it has done?

Answer. No, sir.

Question. You have not heard what it has done?

Answer. Nothing that I have heard of.

Question. Who sent that message, that you spoke of, from the legislature of North Carolina, in regard to the ten millions of dollars' bribe for the Wilmington and Rutherford road?

Answer. I do not know the parties.

Question. You do not know who sent it?

Answer. No, sir.

Question. Who received it?

Answer. It was received indirectly through one of the board of directors; he stated it as something more than a myth, that it was something reliable; how he got it I never asked; I did not want to know.

Question. Who was he?

Answer. Mr. Cowan.

Question. The president of the road?

Answer. Yes, sir.

Question. Is he a democrat?

Answer. Yes, sir.

Question. Did you ever hear it from anybody but Mr. Cowan?

Answer. No, sir; I never inquired about it afterward.

Question. Did he not state who sent it?

Answer. No, sir.

Question. Was no inquiry made as to who sent it?

Answer. No, sir; we did not care to be entangled with it; we just took a vote upon it.

Question. You made no inquiry in regard to such an extraordinary proposition?

Answer. It was not very extraordinary in those days; we understood that parties connected with the legislature were pocketing their hundreds of thousands of dollars for voting.

Question. And you did not inquire who sent it?

Answer. No, sir. Mr. Cowan did not show at all how he got it, and nothing was asked.

Question. He stated it before your board?

Answer. Yes, sir; the proposition was made to the board.

Question. Did he state whether a democrat or a republican sent it?

Answer. He did not.

Question. Did it never cross your mind that that was sent for the purpose of getting up this cry of bribery and corruption on the part of the legislature?

Answer. That was up before.

Question. Did it never occur to you that it was for the purpose of giving force to the charges that were made against the legislature?

Answer. It never did.

Question. Did it never occur to you that it was a political trick?

Answer. No, sir.

Question. And no inquiry was made as to the source from which it came?

Answer. None at all. Mr. Cowan stated that it was in such a shape that he had no doubt of its genuineness; that the proposition was a real one.

Question. You spoke of what was called the code; do you mean the code of civil procedure?

Answer. No, sir; not the code of civil procedure; it was another code, a continuance of it. The commissioners were to provide not only a code of civil procedure, but a code generally. And they sent in from time to time different chapters of the law. It was on one of those occasions that I was told some members of the legislature refused to vote unless they were paid.

Question. It was a general code of criminal and civil procedure for the State?

Answer. Yes, sir; "a code of law;" I think that was the language of the constitution.

Question. Any private law at all?

Answer. No, sir.

Question. A code of the public statutes of the State?

Answer. Yes, sir.

Question. The public statutes revised and put in the form of a code?

Answer. Yes, sir.

Question. You say you were told that members of the legislature said they would not vote for it unless they were paid?

Answer. Yes, sir.

Question. Who said that?

Answer. I would prefer to withhold the name; he is a gentleman of high standing, and a man who tells the truth.

Question. Was he a democrat?

Answer. He was a republican.

Question. Did he tell from whom he had heard it?

Answer. I did not ask him.

Question. I can see no reason why his name should not be disclosed.

Answer. He would not like to be mixed up in this matter at all; I do not care to drag in gentlemen's names in this way.

Question. Who was there interested enough in that code to pay members of the legislature for voting for it?

Answer. That was the strange part about it, as the gentleman said who mentioned it to me. It was one of our judges who said so.

Question. Did he say that he knew it of his own knowledge, or that it had been told to him?

Answer. That he knew it of his own knowledge.

Question. Who was interested to pay one dollar for the passage of that code?

Answer. Nobody in the world, and that was the strange thing about it.

Question. Could you attach any credit to a proposition of that sort coming from a member of the legislature, when there was nobody in the State who had a dollar's interest in it?

Answer. It came from a very reliable source, and I believe it.

Question. Did the code pass?

Answer. No, sir; the acts were not passed that were sent in.

Question. None of them were passed?

Answer. Not those that were sent in at that session, not the particular ones I refer to now. They did pass several in relation to special pleadings, dower, and things of that kind. Other parts of the code were sent in afterward, and they refused to pass them unless they were paid for it.

Question. That is what you heard?

Answer. Yes, sir; and from a reliable source.

Question. Nobody in the State paid, and they were not passed?

Answer. No, sir.

Question. Has there been any outcry against that code among the lawyers of the State?

Answer. Very great.

Question. The lawyers thought it was generally a bad thing?

Answer. Yes, sir.

Question. You thought it was a very good thing, then, that it was not passed?

Answer. The other was not a code of procedure, but branches of the common law and statute law.

Question. Such as were already on the statute-book?

Answer. Modifications and alterations.

Question. Of old statutes?

Answer. You may say that they were attempting to codify the common law, or parts of the common law. What those particular parts were I do not know, as the gentleman did not inform me.

Question. It was not a member of the legislature who told you this?

Answer. No, sir.

Question. You spoke of railroad frauds committed in the State in the way of bonds; who were the men that were prominent in defrauding the State out of those bonds?

Answer. The most prominent were Swepson and Littlefield.

Question. They did the most of it, did they not?

Answer. Yes, sir.

Question. Is Swepson a democrat?

Answer. I really do not know; I do not think he has any politics; I do not think he wastes his time on politics.

Question. Is he an old citizen of the State?

Answer. Yes, sir.

Question. Is he reputed to be a man of very great wealth?

Answer. Well, sir, sometimes he was.

Question. I mean at this time, since the war.

Answer. I believe he is; sometimes suspicions were entertained of his credit, but he was generally a man who handled a great deal of money.

Question. Did he wield a large amount of capital?

Answer. Yes, sir.

Question. To the extent of half a million of dollars?

Answer. Before he got those bonds?

Question. Yes, sir.

Answer. I do not know.

Question. Was he not the head of a large banking institution?

Answer. Yes, sir; but the capital was not his own.

Question. He was at the head of that institution?

Answer. Yes, sir.

Question. Was there any other man in the State into whose hands it would at that time have appeared to be more proper to place these bonds than in his hands?

Answer. Well, sir, I should think there were a great many.

Question. Had he been elected president of the road?

Answer. Whether he was elected before or after he got the bonds I do not know. He was always a very shrewd, shifty man, but looked upon as not very reliable.

Question. Do you know how the president of that western road was elected—the road in regard to which you say these frauds occurred?

Answer. No, sir; I do not.

Question. He was not appointed by the governor?

Answer. I do not know whether he was or not; sometimes the governor does not appoint the president directly, but appoints a sufficient number of directors in those roads to elect the president. But whether that was the case with the western road or not I do not know.

Question. Did the governor have a right to appoint any of the directors of that road?

Answer. I do not know; I never investigated that matter.

Question. Has the governor pardoned anybody in your county?

Answer. I cannot answer that question.

Question. You do not know of anybody in your county who has been pardoned?

Answer. I do not.

Question. Do you know anybody pardoned in the county of Gaston?

Answer. Well, sir, asking me all these unimportant questions so suddenly, I cannot answer; I do not recollect.

Question. You do not recollect any pardon in the county of Gaston?

Answer. I do not recollect.

Question. Do you know any pardon in the county of Lincoln?

Answer. I do not recollect at this time.

Question. Do you know of any in the county of Catawba?

Answer. I do not recollect any at this time.

Question. Do you know of any in the county of Cleveland?

Answer. No, sir; I do not recollect the pardon of a single individual in the State. Pardons have been granted, but where or to whom I do not know.

Question. You have just heard a general rumor?

Answer. Yes, sir; a general statement that a great number had been pardoned. I think it was published by the last legislature, was it not?

Question. That legislature appointed a committee to investigate the matter, and they made a report which entirely exonerated the governor.

Answer. I got the impression in that way, that there were a great many pardons.

Question. The general rumor among the white democrats is that there have been pardons improperly granted?

Answer. Yes, sir.

Question. That is the general rumor in your region?

Answer. Yes, sir.

Question. When the governor was impeached, was one of the counts of the impeachment with which they charged him the improper granting of pardons?

Answer. I do not think so.
Question. Was there any count that charged him with corruption in railroad matters?
Answer. No, sir.
Question. None at all?
Answer. No, sir.

By Mr. BLAIR:

Question. Was there not subsequently a charge of that kind voted by the house of representatives?
Answer. Yes, sir; it was not introduced in the senate.
Question. It was voted by the house of representatives?
Answer. Yes, sir; but the reason why they did not introduce it was that they thought it would make the case too long. As the bill they had against him contained only one or two counts, they concluded that they ought to make some show really of a strong case; not to have it appear that it was a political thing, because it was not political.
Question. And then the charge that he was corrupt was voted in the house of representatives?
Answer. Yes, sir; I think that is so as to the house, but it was not sent to the senate.
Question. It was not accepted by the senate? I understand the senate had to accept the charge.
Answer. I do not think it was sent; my understanding is that it was never sent to the senate; that it was merely adopted by the house.

By the CHAIRMAN, (Mr. POOL:)

Question. That was while the trial was going on?
Answer. I do not recollect whether the trial had commenced or not; it was after the arraignment, you may say.
Question. They had to vote such a charge as that in the house?
Answer. Yes, sir.
Question. The house can impeach by a bare majority, can it not?
Answer. Yes, sir.
Question. Why did not the house send that charge to the senate?
Answer. Well, if you want my opinion——
Question. Did you hear it stated?
Answer. I heard it talked in the legislature.
Question. Was any reason at all given in the house why it was not sent to the senate?
Answer. I do not know.
Question. Did the house authorize the speaker to withhold it?
Answer. Not that I know of.
Question. Did you ever hear it stated that the speaker was authorized to withhold it?
Answer. I never did.
Question. What right had the speaker of the house to withhold that from the senate after it was passed by the house?
Answer. I do not know that he had any right.
Question. Was he a democrat?
Answer. Yes, sir.
Question. This additional charge was passed by the house?
Answer. Yes, sir.
Question. It never was sent to the senate?
Answer. No, sir; but why it was not I do not know. I heard talk outside about it.

By Mr. BLAIR:

Question. What was the talk?
Answer. That they had too many charges already; that it would take too much time and require too much money to investigate any more.

By the CHAIRMAN, (Mr. POOL:)

Question. Did you hear that this impeachment matter was made a subject of discussion in democratic caucus?
Answer. I did not.
Question. Did you hear that it was insisted upon in caucus long before it was undertaken in the house?
Answer. No, sir.
Question. You say one of the reasons given why this corruption charge about railroad bonds was passed by the house was to take from the other charges any appearance of political motives?
Answer. No, sir; I did not say that.
Question. I understood you to say so.
Answer. No, sir, not political; it was to avoid the expense of a long examination of the matters that it was not sent to the senate. That was my understanding from members of the legislature outside.

Question. Do you know of any authority by which the speaker withheld that charge from the senate after it passed the house?

Answer. I do not know upon what ground it was withheld, or whether it was ever ordered to be sent.

Question. How many counts were there in the impeachment?

Answer. Seven or eight.

Question. Do you recollect whether any republican voted for conviction upon more than two of the counts?

Answer. I do not recollect the vote at this time.

Question. Do you not recollect that the only counts upon which any republican voted for conviction was the arrest of Mr. Turner outside of the insurrectionary districts? He was arrested in Orange, was he not?

Answer. Yes, sir.

Question. That county was not declared in insurrection?

Answer. No, sir.

Question. Do you not recollect that that count, and also the charge that he paid the militia for their services—they were two distinct charges, were they not?

Answer. Yes, sir.

Question. Do you recollect whether any republican voted for conviction upon any charge except those two?

Answer. I do not recollect how they voted.

Question. You do not mean to say that they voted for conviction upon all the charges?

Answer. No, sir. I know that upon some of the counts a great many radicals, republicans, voted for conviction; that is a matter of record.

Question. Do you recollect that one of the republicans who voted for conviction upon those charges was what is generally known in the State as a carpet-bagger, a man by the name of Moore, from Newbern?

Answer. Moore is a native of Newbern.

Question. A native of Newbern?

Answer. Or of that vicinity.

Question. Was he in the senate?

Answer. Moore was in the house.

Question. Who are the senators from Newbern?

Answer. One was a northern man, and considered a very honest, good republican; his name, I think, was Lehman.

Question. He was a northern man?

Answer. Yes, sir.

Question. Was he not one of those who voted for conviction upon those two charges?

Answer. I believe he was.

Question. Was there any republican who voted to remove the governor from office?

Answer. I really do not know.

Question. Was there any republican who gave a vote even for a reprimand?

Answer. I do not know how they voted.

Question. Do you not know that Governor Holden was removed from office by a strict party vote of the senate?

Answer. I really cannot answer. I read it over at the time, but I did not look at it in the same light in which you are looking at it, in a political light. I recollect, however, that on some of the counts some of the republicans voted against him. I do not see how anybody could vote for Holden on those counts, whether they constituted high crimes or not. He was clearly guilty of what he was charged with, and I do not see how any one could vote in his favor.

Question. But it was a separate and distinct question, if he was found guilty upon the charges, whether he should be punished by removal from office?

Answer. That was a question, whether he should be removed from office.

Question. Whether the charges covered such an offense that the governor should be punished by removal was a different question?

Answer. Yes, sir.

Question. Upon that question, did a single republican vote against the governor?

Answer. I have told you that I do not recollect.

By Mr. BLAIR:

Question. The thing charged was that he had organized an army in time of peace, and had declared martial law?

Answer. Yes, sir, and had refused the writ of *habeas corpus* to those men.

Question. That is admitted by everybody?

Answer. Yes, sir.

Question. And the question is, whether that in the governor of the State constitutes a sufficient crime to justify his removal from office?

Answer. Yes, sir; that is all.

Question. It was a violation of the fundamental rights of the people?

Answer. I do not see how anybody could vote no.

By the CHAIRMAN, (Mr. POOL:)

Question. He raised that force under the Shoffner bill?
Answer. He pretended to.
Question. Did he follow the letter of that bill?
Answer. I do not think he did.
Question. You think that bill itself was not in accordance with the constitution?
Answer. Clearly not.
Question. Do you recollect whether three out of the five judges of the supreme court, the other two not being present, held that Governor Holden had the right to raise the military force?
Answer. No, sir; I never heard that.
Question. Was that not so adjudged by three judges who made an examination of the law last summer?
Answer. I do not think so. They called it, in their opinion, "militia" all the time; they said he had the right to raise the militia, and this was not militia. That was the position always taken, that he did not raise militia.
Question. What you mean by militia is a force raised without distinction?
Answer. Yes, sir; calling out the body of the people of the county.
Question. Not selected at all?
Answer. Not selected at all, because in a republican government, if you allow them to select the men, you will give to one man the power to do as he pleases. The militia is a conservative element.

By Mr. BLAIR;

Question. And belongs to both parties?
Answer. Yes, sir.

By the CHAIRMAN, (Mr. POOL:)

Question. Was not this force raised professedly for the purpose of putting down what was known as Ku-Klux outrages in those two counties?
Answer. I do not know what Governor Holden's purpose was.
Question. I say was it raised professedly for that purpose?
Answer. O, yes; professedly.
Question. Do you believe that profession was *bona fide* or otherwise?
Answer. I believe it was for the intimidation of voters at the coming election.
Question. What counties did he declare in insurrection, and in what counties did he use the military?
Answer. Alamance and Caswell.
Question. Was Caswell a large republican county?
Answer. I think so.
Question. Did it have 1,200 republican majority?
Answer. Probably.
Question. Why did the governor wish to intimidate voters there?
Answer. It was to have its effect all over the State; he had troops not only sent to Caswell and Alamance, but to various counties in the State on the day of election.
Question. In what counties?
Answer. In Moore County, probably in Chatham, and also in Gaston, Cleveland, Lincoln, Rutherford, and perhaps McDowell.
Question. You say the troops were sent to all those counties on the day of election?
Answer. Yes, sir.
Question. Was that military divided into more than three parts; were there more than three squads sent out?
Answer. I do not know how many squads.
Question. Were there more than two divisions, besides that sent to Alamance and Caswell?
Answer. I do not know the number of divisions, but I know there were troops sent to Gaston, Lincoln, Cleveland, and Rutherford; and I believe there were some sent to McDowell, though I am not certain as to McDowell County.
Question. And to Moore and Chatham Counties?
Answer. I think so.

By Mr. COBURN:

Question. What number in all?
Answer. From fifty to a hundred men in each squad; I do not recollect the number; I saw them passing through Charlotte on the railroad.
Question. How many in all?
Answer. There were two companies; I do not know the number.

By the CHAIRMAN, (Mr. POOL:)

Question. How many troops were raised in all?
Answer. I do not know.

Question. Were there to exceed three hundred men?
Answer. The whole of the State troops?
Question. Yes, sir.
Answer. I do not know. The way I happened to know about it was that they wanted transportation at Charlotte. I had been connected with the Wilmington, Charlotte and Rutherford Railroad; they came there after the train had left; there was no other person in town who was connected with it, and the agent came to me to know what he should do.
Question. Were any counties declared in insurrection except Alamance and Caswell?
Answer. None at all.

By Mr. COBURN:

Question. Have you stated Governor Holden's method of selecting these troops?
Answer. I do not recollect whether I have or not, I have stated so much.
Question. State the method of selection.
Answer. The way that I have understood it—it is only my understanding—is, that Holden sent for Kirk to raise a body of troops, and to come over and take charge of them. Kirk resided in Tennessee; he came, and brought with him a considerable force of men from Tennessee, and the mountains of North Carolina, who had served with him during the war, probably. Then other troops were raised in North Carolina; they were raised by enlistment, in different places; they were selected, and those troops constituted the State force.
Question. How many do you know that came from Tennessee?
Answer. I do not know that I ever heard it stated.
Question. How many came from the mountains of North Carolina?
Answer. I do not know the number.
Question. What portion did he raise in localities where they were to be used?
Answer. I do not know the number.

By the CHAIRMAN, (Mr. POOL:)

Question. There were only two counties declared in insurrection?
Answer. That is all.
Question. Were any arrests made in any of the other counties?
Answer. Yes, sir; there were arrests made in Lincoln and Gaston.
Question. Were parties arrested there?
Answer. Yes, sir; a writ of *habeas corpus* was sued out, and the parties were released before the writs were heard, I believe.
Question. Were they arrested by the military?
Answer. Yes, sir.
Question. Do you know the names of those parties?
Answer. No, sir, I do not.
Question. Before whom was the *habeas corpus* sued out?
Answer. Before Judge Mitchell.
Question. You say they were arrested by the military?
Answer. Yes, sir. I know that I was advised with whether they should bring suits for that or not; I do not know but the parties are indicted.
Question. What were the parties arrested charged with?
Answer. Nothing, that I know of.
Question. Do you recollect whether the parties were charged with going in disguise at night, and whipping a very respectable white man by the name of Ramsour?
Answer. No, sir; that was in Catawba County.
Question. That was not the charge against the parties who were arrested?
Answer. No, sir, not the parties who were arrested in Gaston and Lincoln Counties; I do not know that any charge was ever made against them.
Question. How many parties were arrested?
Answer. Well, I heard of two or three right immediately preceding the election.
Question. Were there any selected military companies in the State before the war—those that were known as volunteer companies?
Answer. Yes, sir; companies authorized by the legislature or incorporated.
Question. The governor had the right to commission the officers of those selected companies?
Answer. Before the war the military companies elected their own officers, and the governor merely issued commissions to them.
Question. That was authorized by a law regularly upon the statute book?
Answer. Yes, sir; that was before the war.
Question. Did not the same statute exist after the war?
Answer. I do not think any volunteer companies have been formed since the war.
Question. I asked if the statute did not still exist.
Answer. I think it does.
Question. Did not the Shoffner bill authorize the governor to call out select militia?
Answer. I do not think it did; I have forgotten the language of it.

Question. Suppose the governor had raised general militia in the county of Alamance, what security would he have had that he would not have members of the Ku-Klux in that county appointed?

Answer. He would not have had any. There was no organization of the militia in North Carolina at that time; they had been prevented by act of Congress from organizing their militia, as was the case in all the rebel States.

Question. He had no mode of organizing the militia except by selection?

Answer. He might have had an act passed, as Congress had withdrawn its opposition.

Question. There was no act passed?

Answer. No, sir.

Question. He therefore had to resort to selected militia, or have no force at all?

Answer. Yes, sir; but there was no necessity for any force there at all.

Question. You have heard the investigation into this trouble in Alamance which was made before the judges?

Answer. I was present.

Question. Did not that investigation disclose the existence in that county of an organization numbering three hundred men or more?

Answer. Yes, sir; or at least a large number; I have forgotten the number.

Question. An organization that had committed, in disguise, very heinous crimes?

Answer. They all testified that they could be arrested by a constable.

Question. I was not asking that. The investigation disclosed the fact that there existed in that county an organization of at least three hundred men, who had, at night, committed some heinous outrages?

Answer. Yes, sir.

Question. Do you recollect that they had hung one man before the court-house door?

Answer. I heard that a man was hung; I do not think they proved that any party did it.

Question. Was it not proven that it was done by a body of men in disguise?

Answer. I think so.

Question. Consisting of forty or more?

Answer. Yes, sir.

Question. Was it not proved that a man was taken from his house by a party of men in disguise, a rock tied to his neck, and he thrown into a mill-pond?

Answer. I think there was some proof about that.

Question. Was it not proved that a great many persons were taken from their houses and whipped?

Answer. Not a great many.

Question. Well, a number of persons?

Answer. Yes, sir; I think there were only two or three instances.

Question. Was it not proved that in that county a party of disguised men of considerable numbers were met upon the road on their way to assassinate the State senator from that county?

Answer. I think there was some proof of that kind.

Question. Was not a member of the legislature—of the then existing legislature—implicated in that offense?

Answer. To whom do you refer?

Question. To Mr. Strudwick.

Answer. His name was mentioned by some of the parties in that connection.

Question. Had any man in that county been arrested for any of the outrages committed in this manner?

Answer. I do not know.

Question. Have you ever heard of any one having been convicted for such an offense?

Answer. I never have heard of it.

Question. You say you would not think that such a state of things justified any extraordinary movement outside the county?

Answer. I do not see why the ordinary process of law would not have answered every purpose.

Question. Was it not proved before the judges that the sheriff of the county and the deputy sheriff of the county were members of the organization?

Answer. I do not recollect that.

Question. In case it was proved that such an organization had existed, and had committed these outrages; that no man had been brought to justice for such crimes; that the sheriff and the deputy sheriff were members of that organization, you would not think that would justify sending in there some extraordinary force?

Answer. I think not. Our law authorizes you to direct a writ to the sheriff of an adjoining county under such circumstances; you are not confined to the sheriffs and officers of one county. The judge may direct writs to the sheriff or officers of any adjoining county, or other county in the State. And the constables and justices of the peace were all competent to arrest these parties.

Question. Do you mean that a writ can run to a sheriff of another county to make an arrest, when the sheriff of the county is not implicated in the charge?

Answer. Yes, sir; the judge has discretion. But if the sheriff was implicated, as you state—if he was *particeps criminis*—the judge would certainly direct his writ to some other sheriff.

Question. Suppose he had not been at the time implicated, could you direct the writ to another sheriff?

Answer. Not unless there is good reason for it.

Question. Is it competent for the sheriff of Mecklenburgh County to make an arrest in the county of Lincoln?

Answer. If a writ is directed to him that warrants him to do so.

Question. Has the judge a right to direct the sheriff of Mecklenburgh to make an arrest in Lincoln?

Answer. If there is good reason for it.

Question. Is there any good cause, except that the writ runs against the sheriff of the county himself?

Answer. Yes, sir; a great many other causes; the sheriff might be out of the way, or sick, or incompetent.

Question. Then the writ would run to the coroner, would it not?

Answer. You may direct it to the coroner or to the sheriff of an adjoining county; that is my recollection of the code.

Question. Was Colonel Kirk in the United States service during the war?

Answer. I do not know.

Question. Is it not reputed that he was?

Answer. I cannot say. I heard some charges against him, that he was—what do they call it?—a raider over there.

Question. Did he not command a North Carolina regiment in the Federal service during the war?

Answer. I do not know.

Question. Have you never heard that stated?

Answer. If I have, I have forgotten it.

Question. Do you not recollect that he came down to the town of Morganton, upon Camp Vance, and captured it during the war?

Answer. Is he the man who killed Waightstill Avery?

Question. Yes, sir.

Answer. I understood that was a raiding company from Tennessee; whether he had a commission at that time from the United States Government or not I do not know.

Question. He captured the camp and took a number of prisoners?

Answer. Yes, sir.

Question. And he was pursued by a company of citizens?

Answer. Yes, sir.

Question. You did not hear that Colonel Kirk commanded that expedition?

Answer. Yes, sir; but I always understood it was a raiding expedition, just gotten up by himself; that he was fighting on his own hook.

Question. That is the way it was reported in North Carolina?

Answer. Yes, sir.

Question. Was Colonel William J. Clark also one of the colonels appointed in this militia?

Answer. Yes, sir.

Question. Was he the chief in command?

Answer. I think Kirk was the chief in command, I recollect, when this investigation was going on there, some of Clark's friends twitted him about serving under Kirk, and he did not like it.

Question. Did Clark deny that he was second in position?

Answer. I do not think he did.

Question. Was Colonel Clark a colonel in the Mexican war?

Answer. He was an officer.

Question. Do you recollect whether he gained great distinction as an officer?

Answer. I do not know; I do not recollect.

Question. You do not recollect whether he was wounded?

Answer. I do not.

Question. Was he a colonel in the confederate army?

Answer. I do not know.

Question. I was about to ask you if he did not rise to the grade of general in the confederate army.

Answer. If he did I do not recollect it.

Question. Is he a lawyer?

Answer. Yes, sir.

Question. Is he a man of high character?

Answer. I cannot say that he is.

Question. Did you ever hear anything against his character other than intemperance?

Answer. I do not wish to be examined as to his character; I desire to be excused.

Question. How many men were disfranchised in North Carolina under the reconstruction acts?

Answer. I do not know.

Question. Do you recollect how much the next registration was increased when it occurred?

Answer. No, sir; that was in the politician's line; I do not know whether I am disfranchised or not.

Question. Do you know whether it was charged that there were fifteen or sixteen thousand persons disfranchised, and it turned out that there were less than eleven thousand?

Answer. I do not know.

Question. You are acting with the democratic, or the conservative party, in your State?

Answer. When I vote I am on the conservative line, from the old-line whigs, as they used to call you and me.

Question. How many colored men were in the legislature last winter?

Answer. I do not know.

Question. How many colored men in the senate?

Answer. I do not know.

Question. Do I understand you to say that every republican member of the senate voted for the conviction of Governor Holden, on some of these counts, except the colored men?

Answer. I think so; I may be in error, however.

By Mr. BLAIR:

Question. You stated that you and Mr. Pool were both on the electoral ticket for Jeff. Davis?

Answer. Yes, sir.

Question. Did you vote for Davis, both of you?

Answer. Well, sir, I did; and so did Mr. Pool.

Question. At what election was that?

Answer. It was at the election for permanent president. Davis was first elected at Montgomery as provisional president; then we organized a permanent government at Richmond, and it was on that electoral ticket that we ran as electors; and Mr. Pool beat me very considerably; I came very near being beaten.

By the CHAIRMAN, (Mr. POOL:)

Question. You were a secessionist?

Answer. I never was a secessionist.

Question. You were on the secession ticket?

Answer. The secession division, you mean; I don't know which division I was on.

By Mr. BLAIR:

Question. Was it not about all the same thing?

Answer. Mr. Pool was nominated by both parties.

Question. By the secession and the Union men, both?

Answer. Yes, sir; he was always hard to get at; and I was always plain and outspoken on politics, religion, or anything else.

Question. Did Mr. Pool vote for Davis?

Answer. Yes, sir; with a good will.

By the CHAIRMAN, (Mr. POOL:)

Question. You mean as an elector?

Answer. Yes, sir.

By Mr. BLAIR:

Question. You say that parties came down to you and offered, for certain considerations, to vote ten millions of the State credit to your road?

Answer. Yes, sir.

Question. That was never used by you as political capital against them?

Answer. We never mentioned it; it was never talked of.

Question. It could not have been supposed that the persons who made this offer to you did it for the purpose of making political capital?

Answer. There was no political capital about it; it never was used as political capital. The matter was kept in the breasts of the directors; I do not know that it ever was published, or alluded to, or used. Our proceedings were secret; we kept our proceedings to ourselves. I am confident that proposition was made in earnest; but it was not considered at all political, it was rejected with disdain.

Question. It was a business transaction?

Answer. Yes, sir; and never used or spoken of afterward, publicly.

Question. The reason I asked you that question was, that Senator Pool asked you if this was made use of as a political ——

Answer. I saw the drift of what he was getting at; but it was not political, and not used as such.

Question. After the proposition was made it was not used as a political make-weight?

Answer. No, sir.

WASHINGTON, D. C., *July* 31, 1871.

GILES LEITCH sworn and examined.

The CHAIRMAN, (Mr. POOL.) As this witness was called at the instance of the minority of this committee, Mr. Blair will please commence his examination.

By Mr. BLAIR:

Question. Where do you reside?

Answer. I reside at Lumberton, Robeson County, North Carolina.

Question. How long have you resided there?

Answer. I am a native of Robeson county; I was born about twenty-one miles from the county seat, where I now live; I have been living at Lumberton since 1851.

Question. What public positions, if any, have you held in North Carolina?

Answer. I was elected county registrar in 1853; in 1856 I was elected a member of the house of commons of the State legislature; and I was elected a State senator in 1862, 1864, and 1865, for three terms. I believe I have held some position in relation to public instruction. I think I was on a committe to examine teachers from about 1857 or 1858 to the close of the war.

By the CHAIRMAN, (Mr POOL:)

Question. You mean teachers for our free-schools?

Answer. Yes, sir. I do not now recollect that I have held any other public position.

By Mr. BLAIR:

Question. The object of this committee is to ascertain, so far as you have knowledge, or so far as you have information upon which you rely, the condition of your State in reference to the execution of the laws, and the security of life and property. State briefly and in your own way what information you have on that subject.

Answer. Well my personal acquaintance is especially in the counties of Robeson and Richmond. My profession is the practice of law, and my acquaintance is chiefly in those counties.

Question. Well, give us briefly your knowledge and information as to the matters I have indicated, so far as they relate to those two counties.

Answer. The county of Robeson had about one thousand five hundred white voting population before the close of the war. Since then, since the colored population has been enfranchised, there are about three thousand voters in the county; of that one thousand five hundred additional voting population, about half were formerly slaves, and the other half are composed of a population that existed there and were never slaves, and are not white, but who since 1835 have had no right of suffrage. I am speaking now from conjecture, but I think that about one-half of that additional one thousand five hundred voters were this old free and not white population; I cannot tell with absolute certainty.

Question. Half of the colored population?

Answer. Yes, sir; half of the colored population of Robeson county were never slaves at all. In 1835 there was a State convention which disfranchised them; up to that time they had exercised the elective franchise.

By the CHAIRMAN, (Mr. POOL:)

Question. The colored population all over the State had exercised the elective franchise up to 1835?

Answer. The free negroes, yes, sir; but Robeson county contained a larger number of them than most of the other counties.

By Mr. BLAIR:

Question. What are they; are they negroes?

Answer. Well, sir, I desire to tell you the truth as near as I can; but really I do not know what they are; I think they are a mixture of Spanish, Portuguese and Indian. About half of them have straight black hair, and many of the characteristics of the Cherokee Indians in our State; then, as they amalgamate and mix, the hair becomes curly and kinky, and from that down to real woolen hair.

Question. You think they are mixed negroes and Indians?

Answer. I think they are mixed Portugese, Spaniards and Indians; I mean to class the Spaniards and Portuguese as one class, and the Indians as another class. I do not

think that in that class of population there is much negro blood at all; of that half of the colored population that I have attempted to describe all have been always free; I was born among them, and I reckon that I know them perfectly well. They are a thriftless, lazy, thievish and indolent population. They are called "mulattoes;" that is the name they are known by, as contradistinguished from negroes. There is a family of them by the name of Lowry, that seems to have more Indian characteristics than perhaps any of the rest of that population. I have not been able to learn the origin of that family, though for several years I have been endeavoring to do so. I think they are of Indian origin. Before the revolutionary war they were wealthy, and owned slaves. During the revolutionary war they were known in that country as robbers; they were neither whig nor tory particularly; they would rob and plunder and murder either side.

By the CHAIRMAN, (Mr. POOL:)

Question. Do you have reference now to the Lowry family?

Answer. Yes, sir; I have reference now to the Lowry family. During the revolutionary war of 1776, as I have been informed by persons who had knowledge of what existed at that time, they were robbers; they were neither whigs nor tories, but they plundered all parties. During that war they accumulated and amassed a large fortune and at the close of the war they were rich, their riches consisting mostly in slaves. They were colored themselves, and they owned slaves; I suppose there were a dozen heads of families, perhaps, to whom I allude particularly. Soon after the close of the revolutionary war, when law and order were reëstablished, and they could not carry on their robberies longer, they got into litigation. As a characteristic of these dozen heads of families, so it was said of them, they were intemperate. They had lawsuits, and gradually and eventually, before my recollection, before I can recollect anything much about it, they had wasted their substance in that county in litigation. They had lawsuits among themselves and with their neighbors; they were indicted for violations of the law, and were known as lawless men; just about thirty years ago, I think, the last of their slaves were sold from them; I do not think they have owned any slaves within about thirty years. Well, then, the men of those families became mechanics; they had a sort of cunning about them that was different from the negro. They had an address about them, so that whenever they went to a trade they became accomplished mechanics, more than ordinarily skilled in whatever branch of business they were taught. That Lowry family are only a part of this half of the fifteen hundred voting population that I spoke of as having been enfranchised by the late enfranchisement, though they are the ruling spirits of that class. During the confederate war these people were called upon to perform duty at the fortifications at the mouth of Cape Fear River. They were classed with ordinary negroes, and they became very much dissatisfied about it, and refused to be classed in that way; and when summoned to do duty they refused to perform it. During the war there were police regulations in that State that made it the duty of certain officers to obtain the services of these men for the purpose of working upon fortifications. The Lowry family generally, besides some others, refused to obey; and upon the officers requiring them to discharge those duties, they deserted. They were out in the woods; and when the officers of the law would go out to seek them they could not be found. Now, of the county of Robeson there is a region of about eight or ten miles square, in which this old free colored population lives; it is called Scuffletown; they all live inside of that area. Well, during the war, when they were called upon to work upon the fortifications, they refused to do it, and were lying out in the woods, and they were called deserters at that time. Just a little reflection will show you that that place called Scuffletown is right on the line from Newberne, in North Carolina, which was then in possession of the federal forces, and Florence, in South Carolina, where the confederates had a prison in which they confined federal soldiers.

Question. You mean on the line of travel?

Answer. Yes. Scuffletown is on the direct line of travel from Florence to Newberne, or very nearly direct. A number of the federal prisoners held at Florence escaped at various times, and in passing to the nearest post held by the federal forces they would pass right to Scuffletown; and they fell in with these fellows, several who had escaped from Florence, after having been captured by the confederates and imprisoned there. Just before the close of the war quite a number of them got into this place, and there being such a number of deserters from the confederate service, in the persons of these mulattoes, instead of going on to Newberne, they stopped there, quite a number of them, and all banded together. Those federal escaped prisoners and these colored persons together made a formidable force there. The white persons everywhere in the State were in the service. And these persons, so banded together, then commenced to rob and plunder. This was about October or November, 1864. A mixture of these mulattoes and these federal prisoners who had escaped from Florence banded together and had their camps in the swamps and islands about there. They would steal out at night and rob some person living in the neighborhood of all

he had—this mixture of mulattoes and escaped prisoners. I suppose that a majority of them were the mulattoes, with perhaps prisoners enough joined in with them to lead them. In the winter of 1864 and 1865 they robbed the wealthiest citizens all through the county of everything they had. Well, about the time that General Sherman was marching from Savannah through to Raleigh—this again was in the direction——

Question. In the line of march?

Answer. In the line of march. About a week before Sherman marched through Robeson County—I think he marched through there about the 7th or 8th of March, 1865—just about a week before that time, there were many confederate officers and soldiers home on furlough. There was a police force in North Carolina at that time known as the home guard, who were required to perform semi-military service; just police regulations, however. Well, they were not sufficiently strong in Robeson County to put down this trouble with the mulattoes. Along about the first of March several soldiers who were at home on furlough combined with this home guard.

Question. Confederate soldiers?

Answer. Yes, sir. They attacked this band of mulattoes and escaped federal prisoners and killed two or three of their leaders, captured them and shot them. Then soon after that Sherman came along, and that settled everything pretty generally down with us there, and we had very little more trouble right off.

By Mr. BLAIR:

Question. They did not leave anything for them to do?

Answer. No; not much more to do. After that the General Government established the Freedmen's Bureau, and sent the agents of that Bureau down there to regulate our country. And while those people I am speaking of were never slaves, yet the Bureau agents seemed to take special care of their interests and to protect them. I think they induced them to believe that it was their duty to prosecute those people who had killed the leaders of those robbers in 1864 and 1865. There were about eighteen or twenty men arrested at that instigation, and I defended some of them. I am a practicing lawyer in that section of the country. They were under arrest for about twelve months, and the grand juries failed to find a true bill. I think the political bias of that institution was unfortunate for us.

By the CHAIRMAN, (Mr. POOL:)

Question. What institution?

Answer. The Freedmen's Bureau. I think it was unfortunate. Well, after that there were four or five men murdered in our county. They were attacked at night in their houses and murdered and robbed of what they had. One of them was named Reuben King, who had been sheriff of my county for about eighteen years previous to that time.

By Mr. BLAIR:

Question. By whom was he murdered?

Answer. He was murdered by eight or ten of these mulattoes; and I will give the names of them as far as I can. I do not know that I can give the names of all of them.

The CHAIRMAN, (Mr. POOL.) I do not know that General Blair would want the names of the murderers.

Mr. BLAIR. I do not know that I want them, if it was certain that they belonged to that gang.

The WITNESS. They certainly belonged to that gang. I assisted the State solicitor to prosecute them, and I managed to have four of them arrested.

By the CHAIRMAN:

Question. You mean for the murder of King?

Answer. Yes, sir; four of them were arrested. I think about seven were implicated in the murder. The trial was removed from Robeson County to Columbus County, an adjoining county. There was a severance; there were four on trial, and but two were tried, while two had their cases continued; the two who were tried were convicted; the evidence was mainly that of an accomplice.

Question. You mean that the witness was an accomplice?

Answer. Yes, sir. There was some corroborating testimony, but the conviction was upon the testimony of the accomplice. After conviction their counsel appealed to the supreme court for a new trial, and pending the appeal they escaped from jail. And those two men, who are now convicted felons, constitute a part of what is known as the Robeson County outlaws.

Question. Lowry's band?

Answer. There are two; Applewhite and Lowry. George Applewhite and Steven Lowry were convicted and sentenced to be executed, and escaped from prison. There are not a great many in the band, considering the amount of mischief they do. One of them, by the name of Henry Berry Lowry, is the acknowledged leader of this band.

Question. What became of the other two prisoners whose trial was postponed?

Answer. The trial of one is still pending. The other was convicted upon another

charge and hanged since that time; he was not convicted of the King murder, but of a different offense. He escaped with the convicted men, and then committed a murder after his escape; he was again arrested and convicted of that.

By Mr. BLAIR:

Question. And executed?

Answer. And executed. One of the two who had severed and did not have a trial, is still awaiting his trial. Steven Lowry and George Applewhite are the two men who were tried and found guilty of the King murder. Henry Berry Lowry is a brother of Steven Lowry, and is the leader of the outlaws, is the chief spirit among them. The first murder that he committed, I think, was about 1863; he murdered a man by the name of James P. Barnes, who was attempting to put him into service upon the fortifications; I think that was about 1863. And about the same year he murdered a man by the name of James B. Harris. The method of his murdering was always to waylay and to shoot out of the thicket, out of the bushes. He murdered this Harris about the same time, and a little after he murdered Barnes. His reason for murdering Harris, as was proved, I think, was this: There was a grudge existing between the two men, and it grew out of some woman that both wanted to enjoy; Harris seemed to be successful and Lowry murdered him for it. I think that was it; I do not think there was any politics in it; I mean that I do not think there were any political or other reasons in the existing condition of the country at that time, that caused the murder. Besides that, James B. Harris was a pretty rough man himself, and had killed two or three of these mulattoes before that time, and was engaged in the killing of the father and brother of Lowry, the chiefs of the band of mulattoes and escaped federal prisoners in 1864 and 1865, to which I have heretofore alluded. After about 1866 or 1867, there were in the band, George Applewhite, Steven Lowry, Henry Berry Lowry, Boss Strong, and Andrew Strong; Henry Berry Lowry married the sister of Boss and Andrew Strong, and those two brothers are in his band. They form a kind of nucleus there. I do not exactly remember the date of their having been outlawed; but the magistrates of the county, being empowered to do so by the laws of the State, issued a proclamation of outlawry against those men some three or four years ago.

Question. Against just those men you have named, or those men and others?

Answer. I do not think there were many others except those I have named. I will name them over; I am sure Henry Berry Lowry is one, Steven Lowry is another, George Applewhite is another, that makes three; Boss Strong is another, that makes four. Andrew Strong is another, Henry Oxendine was another, and he has been executed since that time; and Calvin Oxendine is still another, and he is in jail. This proclamation of outlawry did not seem to have any effect at all; it did not effect their capture. As I tell you, they lived there among the people of their class, who are in such numbers that any attempt or effort to capture them would always be made known to them before it could be made effectual.

Question. In what part of the county of Robeson is Scuffletown situated?

Answer. Very near about the center.

Question. Near Lumberton?

Answer. Lumberton is not exactly in the center; Scuffletown is some eight or ten miles west of Lumberton. This proclamation of outlawry seemed to have no effect. There was a man by the name of Alfred Thomas, who was an agent of the Freedmen's Bureau, and located down there on duty; he and the sheriff of the county on one occasion waited upon Henry Berry Lowry, and he agreed to surrender to the authorities of the law; they brought him into Lumberton and put him in jail. He staid there some two or three weeks, perhaps; I do not remember the exact time. I understand that he said the agreement had not been carried out in good faith, and he drew a revolver on the jailer one day and told him to open the door, and the jailer had to let him out. He has never been tried.

Question. Do all the men of that class coöperate with Lowry in his outrages?

Answer. Well, sir; I think not; I do not think you can put it exactly in that light. But I think that most of them sympathize with him. I think that if a band of men were to go there for the purpose of arresting him, they would advise him of that fact in time for him to escape. I do not think they really approve of his conduct.

Question. Still they aid in sheltering him?

Answer. Yes, sir; they shelter him. Perhaps it would be well enough for me to describe that country down there, so that you can understand it. I do not know either that my descriptive powers are sufficient to make it intelligible. There is what is known as the Lumber River, which runs right through about the middle of Robeson County; along each side of the river it is almost entirely a bluff; there is very little swamp along the bank of the river. In the upper portion of the county is what is known as Back Swamp, which rises about a half a mile perhaps from the Lumber river and empties into it about fifteen miles below. It does not flow more than about a mile and a half or two miles from Lumber River all the way. That swamp is about three-quarters of a mile wide on an average. It is not all swamp, but there are islands in

it of an acre, or two acres, or five acres in extent. The swamp is about ten miles in length, of an average width of three-quarters of a mile. Upon those islands they have dens and caves in which they hide. Very few people traverse that swamp; there are very few who know where the islands are, or where their caves and dens are. Some six months ago we called upon the United States authorities to assist our sheriff in executing the laws of that county, we being unable to do it ourselves. There was a company of United States soldiers there about six months; they were quartered at different points contiguous to this swamp, at Lumberton and at other points. Well, Henry Berry Lowry, and his crowd of about seven men, were outlawed, but they were unmolested during the whole time. They shot a man in sight of the camp of the United States soldiers, killed him dead, and escaped with impunity.

Question. Who was killed?

Answer. John Taylor. They shot him in sight of the camp of United States soldiers, and then escaped with impunity.

Question. Without any attempt being made to arrest him?

Answer. O, the soldiers formed into line as soon as they could get all dressed right, and see how to go along. They went, but then it did not amount to anything. It was in the edge of the swamp that they shot their man and left him. He was a man who had been very active in trying to effect their arrest, and whom they had threatened before, whom they had notified that if he did not leave the country they would kill him. I suppose they fixed upon a time and place to be as defiant of the United States authorities as they could; I suppose that was their object. They have killed about seventeen or eighteen men, I think, at different times.

Question. Within what time?

Answer. Since 1863; I think they have killed as many as eight men within the last six months; and they have notified a great many men that if they do not leave the country they will kill them. Some leave the country; some will not leave, and they kill those who do not leave. I suppose they have driven off as many as twenty men from the country.

Question. Just notify them to quit?

Answer. Just notify them that if they do not leave the country they will kill them.

Question. What class of men are those they kill or notify to leave the country?

Answer. They are generally men who have heretofore exercised influence and authority in the county—men who are influential in making efforts to arrest them.

Question. Have these outlaws any politics? What ticket do they support? To what political party do they adhere?

Answer. I think that Henry Berry Lowry never had much politics. All his relations, all his color, all his kin, all who are associated with him in any way, are republicans. He has been in one or two processions of the republican party; but having been under a ban in consequence of warrants for his arrest, I do not think he has ever voted. I do not know how that is; some say he has, and some say he has not; but I think myself that he has never voted. I think all the balance of the band have voted the republican ticket. They are of that class that forms and makes up that party in that section of the State.

Question. And who are the men he has killed or made to quit the country? Are they democrats or republicans?

Answer. They are all what are known to us as conservatives. I do not think that any who have quit the country are republicans. He has killed eighteen or twenty men. This one man has killed that many, and I think that two of them were republicans—men who were impressed to hunt them as a part of the posse.

By the CHAIRMAN, (Mr. POOL:)

Question. Do you mean that two of them were democrats?

Answer. I mean that two of the men he killed were republicans. I think, though, it was because they were hunting him.

By Mr. BLAIR:

Question. Because they were in pursuit of him?

Answer. Because they were in pursuit of him. It has got to be spoken of as a fact that they have never slain a republican. My own impression is that they slay the men who are trying to capture them as outlaws.

By Mr. BUCKLEY:

Question. Without respect to party?

Answer. Well, sir, it is one of those things it is almost impossible for me to decide about. I have heard it remarked in that country that of the eighteen or twenty men they have killed there have been but two republicans, and those they killed accidentally; that is, they did not know they were republicans. But I am inclined to the opinion that they just kill those men who are seeking to arrest them.

By Mr. BLAIR:

Question. They have killed a great many men who were not seeking to arrest them, have they not? Was Taylor seeking to arrest them when he was killed?

Answer. He was understood by them as being hostile to them, as desiring their arrest. At the time he was killed he was not seeking to arrest them, or making any effort to accomplish their arrest. Now I would like to mention one thing to this committee, and if it would have any effect anywhere in the world I feel a great deal of concern to have anything done that can be done. About the 1st of July——

Question. Of this year?

Answer. Yes, sir, about a month ago the commissioners of that county instructed the sheriff to get a posse to put down these outlaws, to capture them, to secure their arrest. Accordingly he has had about a hundred men for the last month seeking to arrest these outlaws. There are only about seven of the outlaws. The sheriff has put this posse under the lead of a man who was a confederate officer, noted for his coolness and courage. They had headquarters, and I think made some arrangement about it; something like a military arrangement. Provisions were provided for this posse, and their headquarters were up about the center of Scuffletown. I think the sheriff ordered out about a hundred men, about ten men from each township, and there are about ten townships in the county. Well, about the first thing they did after they got together there was this: They concluded to capture the wives of these outlaws, and perhaps their concubines, thinking that it would enable them to get a sight of the outlaws, to find out where they were, so that they could be captured; that in that way they could successfully accomplish their capture. They therefore sent out a guard and brought in their women, and on the way they were waylaid, and three of the guard were killed, among our best men.

By Mr. BUCKLEY:

Question. While they were bringing in their wives?

Answer. Yes, sir; they were ambushed by the robbers, and three were killed. And then it was concluded to send the women to Lumberton, about ten miles from where the headquarters of this posse was. They were sent down there, and the magistrates issued warrants against them for aiding and abetting the outlaws. They were not put in jail, but they were kept under guard. I think the three men were killed about Friday, as near as I can recollect, and there were four others wounded. There were seven men shot by the robbers, four wounded, and three killed straight out dead. There were guards sufficient, though, to keep the women from being retaken by the robbers. The women were sent down to Lumberton, the county-seat. Well, I do not know that I can tell precisely the different dates; but two or three days after that Henry Berry Lowry sent a messenger down to the sheriff of the county demanding the release of those women, or threatening that he would cause blood to flow in Robeson County. The sheriff was unwilling to release them, but there was such a terror among the citizens that they compelled him to do it. Men were apprehensive that their wives and daughters would be taken in place of the wives and daughters of the robbers who were then under arrest, and they brought such a pressure to bear upon the sheriff that he could not resist, and he let them go. A few days before I left home they killed two young men, between their homes and the railroad depot, which was about three-quarters of a mile from where they lived.

By the CHAIRMAN, (Mr. POOL:)

Question. Were those two young men part of the sheriff's posse?

Answer. They were going to join it. They were not acting at that time. Within the last six months they have killed five men.

Question. You mean those two and the three who were killed when the women were captured?

Answer. Yes, sir.

By Mr. BLAIR:

Question. What were the names of those men who were killed?

Answer. The last two were Mordecai McLean and Hugh McLean. And at the same time there was a man named McCallum, who was in the same buggy with them, who was wounded, but he made his escape. I have understood that Mordecai McLean had been in the sheriff's posse two weeks before, and was supposed to have possession of a long-range gun; but it turned out that he did not have it at the time he was killed.

Question. Do you suppose that his having that gun was any temptation to them to kill him?

Answer. Well, I think that was one inducement. Then I think that he having been active in trying to secure their arrest, that was another inducement. He had been notified by them several times to leave the country or he would be killed.

Question. On account of his activity against them?

Answer. Yes, sir; that was understood to be the reason.

Question. Now I want to ask you the question whether this band of men in your county have had any political objects in view, and whether, by reason of that, they are shielded by the authorities?

Answer. Well, sir, that is a pretty hard question to answer, but I will answer it just as I understand it.

Question. Answer it exactly as you believe to be the truth about the matter.

Answer. Yes, sir. I believe that the politicians who have established in that county the republican party have got all this class of people into that party by instilling into them a hatred toward the white race. I believe they have been taught to hate the white man as one who was endeavoring to keep away from them what are their rights; I believe that. But, at the same time, I do not believe that the republican party, as an organization down there, would shield those men. I believe that they desire that they should be arrested and punished.

Question. Have they made such efforts for their arrest and punishment as ——

Answer. No; I think that if those of their own color, that class of seven hundred or eight hundred men I have mentioned to you, had desired it, or had made the effort, they could have captured those men, and they are the only men who can do it.

Question. I understand you to say that they not only do not assist in their capture, but they aid them in evading capture?

Answer. I think they give them information of any efforts that are being made to arrest them.

Question. Do most of these seven hundred or eight hundred men of whom you speak also live by plunder in the Scuffletown settlement?

Answer. I cannot say they do. These seven or eight men are the only men who are outlaws; the balance of them are subject to arrest, if any precept is issued against them; they submit to the laws.

Question. Do the whole of this class of men, amounting to seven hundred or eight hundred men, vote the republican ticket, according to your belief?

Answer. O, yes, sir.

Question. Those men who are aiding these outlaws to evade capture?

Answer. Yes, sir; I think so.

Question. Is there any other organization in your county, any secret organization, whose purpose it is, and whose practice it is, to violate the law and to commit outrages upon person and property?

Answer. I do not think there is any except that.

Question. In your county?

Answer. I think not, sir. I think this: that there is a kind of—I do not know exactly how to express it—a kind of public sentiment among the negroes against one of their race who votes the democratic ticket, a disposition to ostracize him from their society; I think there is something like that. There are not many who attempt to vote any other way except the radical ticket.

Question. That is to say, if any negro attempts to vote the democratic ticket, there is an understanding among the other negroes ——

Answer. That he is to be drummed out of countenance; that he is not to be countenanced at all.

Question. By them?

Answer. Yes, sir. There is a man in my county who is indicted as a Ku-Klux. He disguised himself, with two or three others, and got after another negro who was said to have voted the democratic ticket. The case has been continued. I do not know that it is a matter of any very great consequence.

Question. What is the name of that negro?

Answer. John Holloway; the constable of the township. He is indicted in that county for going in disguise and frightening another colored man; he and two other men. I do not know whether the others are indicted or not.

Question. Are the others known?

Answer. Well, I do not know them myself; I do not know whether anybody else knows them but John Holloway, the constable, who is indicted. I think he just got up a crowd to intimidate that man.

Question. What did they do to the man?

Answer. I think he made his escape; I do not think they hurt him at all.

Question. Did they attempt to whip him or to kill him?

Answer. I think they only attempted to frighten him. It may have been more serious, but I do not know. My impression is that all they attempted to do was to frighten him; well, to make him feel disgraced for not being a good republican. I think that was about the whole purpose of it.

Question. When did that take place?

Answer. That was previous to our last court. I think it was along about February last, as near as I can recollect.

Question. Are the county officers of your county all republicans?

Answer. No, sir; our sheriff is a democrat. A republican was elected sheriff, but he failed to give bond.

Question. This democratic sheriff was appointed?

Answer. Yes, sir; by the commissioners of the county.

Question. If their is any other matter or thing which you know, bearing upon the general question of the good order and peace of your community, you can state it.

Answer. I would like to say this: as I have told you, there has been a posse of the county out now for about a month; they have failed to capture or hurt a single outlaw, while on the other hand five of them have been killed and four of them wounded.

By Mr. BUCKLEY:

Question. Of the posse?

Answer. Of the posse, yes, sir. We are just in this condition: If we abandon the hunt it will just be giving up that whole country to the outlaws, just admitting that they are victorious. If we continue it, there is not much prospect of its doing any good. We are in a very deplorable condition down there in Robeson County.

By Mr. BLAIR:

Question. Is there any prospect at all of capturing those men?

Answer. None in the world. I know it must sound strange to men for me to say so. But there they have been for four or five years, during which time they have killed eighteen or twenty men, and not one of their own number has been killed. I do not believe in witchcraft, nor in conjuring, nor in anything of that sort, but the fact of the business is that they are not being captured or killed. They are a terror to our country. Our people, for the last three or four years, of both colors, complexions, and classes, are leaving the county to evade the summons of the sheriff; they are going to Cumberland and to South Carolina. The men are sending off the female members of their families, to avoid their being taken by Henry Berry Lowry and his gang as a sort of hostage. It is a terrible condition, gentlemen; it is, there is no doubt about it.

Question. And they make a great deal more fuss down there about the Ku-Klux than they do about these outlaws?

Answer. O, no, not in our part of the country; there is no Ku-Klux down there.

Question. The State authorities ——.

Answer. I suppose that down about Logan's district, down about Rutherfordton, they have some.

Question. They have United States troops there?

Answer. The troops were carried from Robeson County up there.

Question. They were in Robeson County?

Answer. Yes, sir, they were in Robeson, but they did not do any good there. There was a force of United States troops there, and two or three of Henry Berry Lowry's friends were arrested and put in jail, and they refused to furnish the sheriff with a guard for the jail; I do not know whether or not it was their duty to furnish one. Henry Berry Lowry came and unlocked the prison-doors and turned his friends out.

Question. After the proper authorities had asked for their assistance, the troops refused to give it?

Answer. Yes; I do not know that it was contumaceous; I think it was a question whether the sheriff had a right to order the soldiers; some little notions about that.

Question. A question of etiquette?

Answer. Yes, a question of etiquette; I think that was it. The result was that the friends of Lowry escaped from jail.

Question. Do you not believe that if any serious effort were made by the authorities of the State, an effort commensurate with the importance of the object, these outlaws could be captured, unless they were shielded by a large portion of the people of the county?

Answer. Just let me reflect a few moments before I answer that question. [After a pause.] Do you mean by "the authorities of the State" the *posse comitatus* of the county?

Question. I mean the governor and the executive authorities of the State. Those people are declared outlaws by the State authorities, and if one power is not sufficient, then the whole power of the State ought to be brought to bear upon them. I mean, is the whole executive power of the State unable to capture those outlaws, if vigor and diligence were used commensurate with the importance of the occasion?

Answer. I think that Henry Berry Lowry and his gang are reckless. I believe that the posse who are attempting to arrest them are demoralized by them. Of course, I cannot say that the whole State of North Carolina could not capture those men. But it has been the duty of the officers of the law, for four years past, to do it, and thus far they have failed. Does that answer your question? If not, I do not exactly know how to answer it.

Question. The question was simply, whether the authority of the State, if exerted in good faith, could not capture those outlaws. If such efforts had been made to capture those parties as were made last year against the two counties of Alamance and Caswell, which were put under martial law by Governor Holden, do you not think they might have been captured?

Answer. It may be; I am not familiar with the transactions in those two counties.

Question. I believe that in that instance Governor Holden called out two regiments?

Answer. Yes, sir.

Question. To capture people whom he called Ku-Klux, and that in those two counties there never had been any resistance to law—that is, resistance to arrest. In this county of Robeson I understand there has been a resistance extending over four years, and the force of the county has proved inadequate to their capture?

Answer. Yes, sir.

Question. Yet the authorities of the State have made no effort to aid in their capture?

Answer. Well, sir, about the first of this month we applied to Governor Caldwell, and he sent down one hundred stands of arms, and some ammunition. I do not know that that would do any good, unless we had some men to use them. I do not think there has been any refusal on the part of Governor Caldwell to extend any aid to us that he can; but there is nobody to exercise it, nobody to exert it effectually.

Question. In the case of the declaration of martial law in Alamance and Caswell, there were bodies of troops raised?

Answer. Yes, sir.

Question. Two regiments of troops, and they were armed and equipped, and the counties were put under martial law?

Answer. Probably that would secure the arrest of these men; I do not know.

Question. That has never been tried there?

Answer. No, sir.

Question. I believe that was done in those two counties, when there never had been the slightest resistance to any legal process in those counties; while in your county I understand the resistance to process has been unremitting for the last four years?

Answer. Yes, sir; by these seven or eight men.

Question. And they are aided and assisted in evading and resisting the law by a large body of men in the county, numbering some seven hundred men, as you have stated?

Answer. Yes, sir.

Question. Do you believe, or is it the belief among your people, that it is out of tenderness to those people, on account of their color, and because such an attempt would be unpopular among the black people of your State, thus to make war upon those people?

Answer. I do believe that the existence of this state of affairs in Robeson County is in consequence of the results of the war.

By the CHAIRMAN, (Mr. POOL:)

Question. You mean the rebellion?

Answer. Well, yes; I mean the confederate war?

Question. You mean the late war?

Answer. Yes, sir. I believe if the laws existed now that existed before the close of the rebellion these troubles could be suppressed.

By Mr. BLAIR:

Question. That is to say, they would be suppressed except that these people are voters?

Answer. Well, yes, that is about what I mean; that is really what I do mean, that these people are voters now.

Question. Do I understand that you mean that because these men have the suffrage, and because a vigorous effort to put down their lawlessness might affect the colored vote of the State, therefore the State authorities decline and refuse to do it?

Answer. Well, I do not think I would like to state it exactly that strong; I do not know exactly how to express it. It is owing to the changed condition of affairs. I do not think it is exactly as you put it. But I think it is because—well, let me reflect a little. [After a pause.] I can hardly say.

Question. State, then, if you please, why, in your opinion, it is that those people are allowed to commit such outrages without a vigorous effort being made by the authorities of the State to put them down. Why do they permit this thing to go on in your county, and make no commensurate effort to put it down? What is the reason of it?

Answer. [After a pause.] Let me state it at my leisure, and I will try and give an answer.

Question. Two or three regiments were called out for the counties of Alamance and Caswell, where there was no resistance to the law. The Government of the United States has been called upon for all its power, and it has been clothed with very questionable authority, on account of outrages that are rumored and spoken of in other parts of the State. But in the county of Robeson, where so many men have been killed and where resistance to law has been going on for so long a time, no commensurate effort has been made by either the State or National Government to put a stop to it. Now, what is the reason of that?

Answer. I do not believe that Governor Caldwell protects those people; I think that

the sheriff of Robeson is anxious to use any effort within his power to arrest them. I believe that the officers of the law, if they could, would discharge their duties. I believe that originally the influence that those men had prevented a strict enforcement of the law; the political influence that those men had prevented the strict enforcement of the law. I do not believe that those considerations exist at present.

Question. I understood you to say that when the Bureau officers went down there, they took these people under their particular charge and protection?

Answer. Yes, sir.

Question. How long did that continue?

Answer. Well, it continued until after the adoption of the State constitution, in 1868. I believe that was the time, during the year 1868, that the Bureau expired there. I know it virtually expired with us after the State government went into operation.

Question. Those men were not entitled, by the law, to be taken under the direction of the Bureau, were they?

Answer. No, sir.

Question. They were always free men?

Answer. They had always been free.

Question. And at that time, I believe, they were acting in defiance of the law?

Answer. Yes, sir.

Question. And some had been convicted of high crimes, had they not?

Answer. Steven Lowry and George Applewhite were convicted after that; I believe that Henry Berry Lowry had been arrested and charged under indictment by the grand jury.

Question. That was pending against him prior to that time?

Answer. Yes, sir.

Question. And yet he was protected by the Bureau officers?

Answer. Well, what I meant to say was that the Bureau officers were understood to have encouraged him and his relations to prosecute the home-guard that had killed some of those men for robbing, during the latter part of the war.

Question. They assisted in the prosecution of those men?

Answer. Yes, sir.

Question. And gave countenance to Lowry and his gang?

Answer Yes, in that way.

Question. Is there in your county, or in the county of Richmond, of which you spoke as one of the counties with which you are familiar, any other cause of disquietude among the people there except the one to which you have alluded?

Answer. I think not. I think that these outlaws—they are known by the name of outlaws; they are men who have been indicted; they are men who live in caves and dens; they are not amenable to justice. There are about seven of them in the county of Robeson. I do not think there are any others who are evading the process of the law; I do not think there are any others but what process could be served on them. There have been one or two homicides in the hunt for these robbers; but I do not know that they were men who were killed because they were supposed to be in complicity with the robbers; they were killed in the effort to arrest the robbers, and the men who have done that have been prosecuted.

Question. By whom?

Answer. Well, by the grand jury, by the judge of the court.

Question. By the radical authorities?

Answer. Yes, sir. Our judge there, Daniel L. Russell, I believe, is fully in earnest in his desire to bring to punishment these outlaws that are in his district. I do not think there is any complicity with them on his part. At our last court there was a report of a jury of inquest implicating nine men, who had been out for the purpose of arresting these outlaws. The witnesses were sent before the grand jury, and the grand jury decided that the evidence was not sufficient to authorize them to find a true bill. Judge Russell had entered upon the minutes of the court his protest against the action of the grand jury.

Question. Do you remember the facts attending the killing of that man?

Answer. Well, the facts were that he lived in the immediate vicinity of the outlaws, and was supposed to be in complicity with them in their acts; the sheriff's posse went to arrest the outlaws, and failing to do it some of them took up this colored man and killed him; that is, it is understood that he was killed.

Question. Did they believe——

Answer. I think there is no doubt of the fact that they believed he was really a spy to assist and shield the outlaws.

Question. Do you believe that that conduct of the judge displayed any very great zeal for the capture of those outlaws.

Answer. No, sir, I do not; I do not think that displayed any zeal; I think that in that he acted injudiciously, that he ought not to have done so; I do not think that his official duties required him to do that; I did understand that the grand jury did not have sufficient evidence to find a true bill, and that it was considered officious in the judge to enter any protest at all about their action.

By the CHAIRMAN, (Mr. POOL:)

Question. I understood you to say that these seven or eight hundred persons that you designate as mulattoes are not negroes, but are a mixture of Portuguese and Spanish, white blood and Indian blood; you think they are not generally negroes?

Answer. I do not think that the negro blood predominates.

Question. The word "mulatto" means a cross between the white and negro?

Answer. Yes, sir.

Question. You do not mean the word to be understood in that sense when applied to those people?

Answer. I really do not know exactly how to describe those people. The most of them have bushy, kinky hair, and they are about the color of a cross between the white and the negro; but they do not exactly partake of the characteristics of such a cross.

Question. You were born and brought up right in that vicinity, were you not?

Answer. Yes, sir.

Question. You know these people well?

Answer. Yes, sir.

Question. The first difficulty that occurred with them was at the time when the confederates undertook to class them with free negroes and to order them to work upon the fortifications?

Answer. Yes, sir; I think so.

Question. The order putting men to work upon the fortifications extended only to negroes, and they raised that question?

Answer. Well, now, the first difficulty was with James P. Barnes; I think that difficulty arose from his accusing the Lowry family of having appropriated some of his cattle; and he got out a search-warrant and took the officers of the law to search for his beef-cattle.

Question When was that?

Answer. That was along about 1863; about the same time, I think, there were troubles from their refusing to go to work on the fortifications.

Question. Trouble with the mulattoes, as you call them?

Answer. Yes, sir. They killed Barnes because he prosecuted them for stealing his beef-cattle.

Question. You say that this Lowry family shielded Federal prisoners escaping from some place in South Carolina, while on their way to Newberne; and that after a time some of these Federal soldiers remained with them. What has become of those Federal soldiers? Have they left there since the war closed?

Answer. I think they left there before the war closed. When this raid on them was made by the home guard I think they scattered; there was one or two of them wounded in that rencounter. When General Sherman's army marched through that county, I think they went off with the Federal Army.

Question. Will you state what outrages, if any, were committed on Lowry, or on any member of his family, by the white people, by any white men, along during the war? Do you recollect whether his father was killed by them?

Answer. Yes, sir; I have stated about that; that was by the home guard, just immediately preceding the march of the Union army through there.

Question. Do you recollect whether his brother was killed?

Answer. Yes, sir; his father and brother were shot by the home guards.

Question. You mean by the confederates?

Answer. By the State authorities.

Question. There were present in that home guard some furloughed confederate soldiers, who were then resident in the county?

Answer. Yes, sir.

Question. Do you recollect whether any outrages were committed upon any of the women of the Lowry family?

Answer. I do not recollect that I ever heard there was any.

Question. Do you recollect whether any white men of the county have had any difficulty with Lowry and his gang, in regard to some of the women of the families of Lowry's gang?

Answer. I never heard about that. I did hear this: That Lowry's mother was arrested about the time her husband and son were shot. I do not think that I heard that she was really punished in any way; but she was under arrest, and perhaps they frightened her; I do not remember to have heard that she was ever punished. I do remember that at the time her husband and son were executed she was under arrest; I recollect hearing about that.

Question. You mean when her husband and son were killed by the home guard?

Answer. Yes. If there was any indignity offered to her, or any punishment inflicted upon her, or anything of that sort, I do not recollect anything about it now.

Question. Is there any white blood in that Lowry family?

Answer. I really do not know. I think that the father was Indian; I think the fam-

ily has about the characteristics of the Cherokees of our State. The mother was named Cumbo, and I think it is likely that there may have been some white blood in the Cumbo family; I do not know that certainly, but I think it is likely.

Question. Was not Henry Berry Lowry induced to undertake retaliation because of the outrages committed during war times upon the members of his family; is not that the origin of this trouble?

Answer. I cannot undertake to say what he thinks does justify his acts.

Question. I want to get at the fact.

Answer. I state the facts. You know about what really did occur.

Question. You have a right to state what is the general understanding in the community, or what you believe to be the truth.

Answer. His father and brother were killed by the home guards, about the close of the war.

Question. Do you recollect whether any houses were burned?

Answer. I do not think there were any houses burned. His father and brother were killed by a company of home guards. He is said to have killed James P. Barnes and James B. Harris during the war.

Question. That was a private feud?

Answer. Well, I do not know. James B. Harris was a home guard officer to take the crowd to the fortifications, and there was a private feud about some woman; but I do not know exactly how much influence that had.

Question. I understood you to say that Lowry and Barnes were after the same woman?

Answer. Barnes got out a search warrant for some beef cattle that he alleged had been stolen from him; and it was said that it was for that reason that he was waylaid by Lowry.

Question. When these Federal prisoners were with them you say they were in the habit of going out and robbing wealthy people in the neighborhood?

Answer. Yes, sir.

Question. Did they rob them of anything but provisions?

Answer. Yes, sir.

Question. Of what else?

Answer. Of money, jewelry, and clothing.

Question. Did they injure any of the persons they robbed?

Answer. I think that generally there was no resistance to them. There was resistance at Dr. McNair's, and there was firing by both parties, and some of the gang were wounded; there was a United States soldier wounded.

Question. Is there a considerable portion of territory in the western part of North Carolina set apart for the Cherokee Indians? You have been a member of the legislature, and perhaps you know how that is.

Answer. Yes, sir; I believe there is.

Question. Do you recollect whether, by law, white men are excluded from purchasing land in that territory set apart for the Cherokee Indians?

Answer. I do not remember about that.

Question. You recollect that the Cherokee Indians are congregrated within a certain territory of country in the western part of the State, and that with the permission of the State they occupy that territory?

Answer. Yes, sir.

Question. Was this ten or twelve miles square of territory in Robeson County, by common consent, left somewhat in the same way to this Lowry set of people?

Answer. No, sir.

Question. Are they the main portion of the inhabitants in that section of country?

Answer. No, sir.

Question. They are not?

Answer. No, sir.

Question. Who lives in Scuffletown besides them?

Answer. The Lowry family is Indian; then there are Locklaers, Oxendines, Hunts, Joneses, and Grayboys; I do not recollect how many other negro names there are. There are a dozen different families there. Some of the Lowry and Oxendine families are related by marriage. But Lowry is Indian; the balance of them are not understood to be Indian—they are mulatto; I mean colored people.

Question. Do any white persons live in Scuffletown?

Answer. Yes, sir; but not many now; they are about all scared off, about all run out.

Question. You spoke of Reuben King having been killed by this Lowry gang; and you said that several others were killed?

Answer. Yes, sir.

Question. Were all those persons men who had taken an active part against Lowry?

Answer. No, sir. Barnes was about the first one that Henry Berry Lowry killed; the next one was James B. Harris; those were private feuds. Then among the first that were killed after the close of the war was Reuben King. He was a man reputed

to be wealthy, and they went to his house and robbed him; he resisted their efforts to rob him, and they killed him.

Question. What had been the relations existing before between King and those men?

Answer. I do not think there was any consideration in the world except for the purpose of getting his money. However, he had been sheriff for some considerable time, and at one time he had this Henry Berry Lowry arrested, and he put him in confinement in Columbus County, the jail of Robeson County having been destroyed before that time. I do not know whether there was any animosity on account of that or not.

Question. Was he the man who went with the Freedmen's Bureau man to get Lowry to give himself up?

Answer. No, sir

Question. Was Mr. King with the gang that killed the father and brother of Lowry?

Answer. No, sir; he had nothing in the world to do with it.

Question. Who were those two young men you said were killed while on their way to join the sheriff's posse? Do you recollect whether they had killed any of Lowry's men?

Answer. Do you mean Mordecai McLean and Hugh McLean?

Question. Yes, sir.

Answer. I do not think they had ever killed any of Lowry's men. Perhaps it would be appropriate for me to say that there is a reward for Henry Berry Lowry and his gang; I think a thousand dollars reward has been offered for four or five of them.

Question. For each of them?

Answer. Yes, sir; a reward offered by the governor. That has induced a company of young men of about equal numbers to ambush themselves in that Scuffletown district, for the purpose of capturing them.

Question. How long has that been going on?

Answer. I think it has been going on for four or five months. A young man of the name of McCallum was of that company, and he was with the two McLeans when they were murdered. The three were in a buggy together; they were halted and immediately fired on. The two McLeans were killed outright; but McCallum seemed to be protected on the off side. He jumped out of the buggy, and was shot in two or three places, but escaped. McCallum was one of some seven or eight men who had made up their minds to capture this gang, for the reward perhaps, I suppose; and also for the consideration that it was their duty to do so. In addition to that one of the McLeans had a long-range gun that it was understood the Lowrys wanted. They have given notice to all those six or eight men that they must leave the country, or death will be their portion.

Question. The men who undertook to capture them for the reward?

Answer. Yes, sir.

Question. Are there any considerable portion of your people who justify the conduct of Lowry and his gang?

Answer. I think not.

Question. Do the colored people there justify it?

Answer. I think not as a class; I do not think they do. It is just this way: in that immediate section of country, of about seven or eight miles square, neither a white man nor a colored man must oppose Henry Berry Lowry at all, or he will be shot down.

Question. Shot down by Lowry or his gang?

Answer. Yes, sir. I think that while really they do not like to uphold his conduct, there are a great many people there, white as well as colored, who are afraid to abuse him.

Question. Has politics anything in the world to do with that?

Answer. Well, I do not know that it has; they are all of the same politics.

Question. Do you suppose anybody fails to oppose Henry Berry Lowry or his gang because he is understood to be a republican?

Answer. [After a pause.] I think that the republicans as a party in that county do not justify his conduct. But yet I think that every person in that county who is not white is a republican. I cannot undertake to say on my oath how much I believe his being a republican protects him.

Question. You are yourself a democrat, or a conservative, as you call it?

Answer. Yes, sir; I am a conservative.

Question. Is Henry Berry Lowry's gang, or its operations, of any manner of service to the republican party in that county?

Answer. [After a pause.] That is a pretty hard question to answer.

Question. If it is of any service to them, in what way is it of service?

Answer. I hardly know how to answer your question exactly. [After a pause.] I do not think that I can answer that question; I do not know.

Question. If Henry Berry Lowry's gang of seven men should all be arrested and executed, would that injure the republican party in that county?

Answer. I do not see that it would.

Question. If they should be arrested and executed, would it injure the republican party in the State in any way?

Answer. I think it ought to benefit the republican party?

Question. You think that would tend to benefit rather than to injure the republican party?

Answer. If they were brought to justice for the reason—just let me explain; the State is governed by republicans, and the bringing of criminals to punishment would be an enforcement of the laws.

Question. You say the governor has offered for the arrest of these men a reward of $1,000 each.

Answer. Yes, sir.

Question. You spoke of their having been outlawed several years ago?

Answer. It has been within a year, I think; they were outlawed by the magistrates, under the statute?

Question. Does not the outlawry have to be proclaimed by the governor? Did not Governor Holden issue a proclamation outlawing them?

Answer. I do not recollect that. It seems to me that under our statutes the magistrates issued a proclamation of outlawry, and the legislature authorized the governor to offer a reward for all who had been outlawed; that is my recollection of it.

Question. The magistrates of the county might ask the governor to do it?

Answer. I think our laws now contain a statute that makes it the duty of the magistrates, upon the affidavit of an officer that he has a precept that he cannot execute, to issue a proclamation to all citizens to arrest the person.

Question. I find in a letter written to the governor of the State by your present sheriff, Mr. McMillan, the following: "That these parties have been outlawed by your excellency, and your predecessor in office, and whom the sheriff of the county has been specially enjoined by proclamation from the executive department to pursue and take dead or alive."

Answer. If you will excuse me from deciding exactly how the law is, I will be very much obliged. I think it authorized the magistrates to issue the proclamation of outlawry; it may be that only the governor is authorized to issue it.

Question. Do you not know of two separate and distinct proclamations having been issued by Governor Holden and Governor Caldwell outlawing those men?

Answer. I know that Govenor Caldwell issued his proclamation, and I think Holden did, but I am not certain. I think the rewards offered were authorized by an act of the legislature.

Question. Do you recollect that the sheriff was especially enjoined by a proclamation from the governor to call out a posse to arrest those men, or kill them; that is, to take them dead or alive?

Answer. That is, if it was the governor that issued the proclamation. I know the proclamation was to halt them, and if they did not submit then, to proceed to kill them if necessary.

Question. Are the magistrates of your county republicans?

Answer. They are mixed; in some of the townships they are republicans, and in some they are democrats.

Question. Are the majority of them republicans?

Answer. I hardly know how that is.

Question. You say that the governor of the State has only sent down a hundred stand of arms and some ammunition for the sheriff's posse?

Answer. Yes, sir.

Question. Do you not know that the governor of the State has gone in person to that county?

Answer. He had not gone there when I left home.

Question. Has he not gone there since?

Answer. I have not seen any account of it if he has; it may be so; there is a terrible state of affairs down there. But he had not gone down there when I left home.

Question. The only trouble you have is that seven or eight men, who have been outlawed, have got into an inaccessible swamp, in which it is dangerous for men to pursue them, and where it is almost impracticable to pursue them.

Answer. Well, that does not state it exactly.

Question. How is it, then?

Answer. It is just this way: These men have all forfeited their lives; they are entirely reckless. If you get a squad of men from the country, who have been impressed into that kind of service, when Henry Berry Lowry and his crowd shoot down two or three of them, you cannot get the rest to come up well.

Question. To go into the swamp?

Answer. Yes, sir.

Question. Is that swamp dense and inaccessible?

Answer. Let me explain to you how that is. There is a dense swamp about half a

mile in width and about eight miles long. In that swamp there are a number of islands. Then, there is all through that country, perhaps, tracts of fifty, seventy-five, or a hundred acres of what we call "bays," just a swamp-growth of bay-trees. Sometimes there is a little estuary that goes into a creek and drains that spot, some kind of little branch or "slash," as we call it. Those "bays" are numerous; sometimes they do not cover more than one or two acres, sometimes they cover seventy-five or a hundred acres; but they are all about in that country there. Now Lumber River runs through about the center of the county. What we call the Black Swamp has its source in the western part of the county, from one of these "bays" that I have been describing; and it extends parallel with Lumber River for about eight or ten miles, at no point more than two or three miles from the river. Then, there are "bays" and branches that come in between the river and this swamp. I do not know that I can describe it so as to give you an exact understanding of it.

Question. The growth is a thick jungle?

Answer. In the swamp it is; but out on the islands all over the swamps it is pine land.

Question. But when you get into the swamp you cannot see a man any considerable distance?

Answer. No; you cannot see a man far.

Question. The difficulty is to get these six or eight desperate men out of that swamp?

Answer. Well, the difficulty is to kill them; that is it.

Question. You have either to get them out or to kill them?

Answer. Yes, sir; to capture them or to kill them. I have really never read of or learned ——

Question. Do you know Henry Berry Lowry personally?

Answer. I do not know him; I know all the rest of them; I knew his father, his brothers, and all the rest of his family.

Question. You say that the governor procured a full company of United States troops to be sent there six months ago?

Answer. Yes, sir; and they staid there four or five months.

Question. Did they make proper exertions to get these men out of the swamp?

Answer. I do not like to set myself up as a judge of what are proper exertions. Whatever exertions they made were unsuccessful.

Question. Could they have got them out?

Answer. I think they could.

Question. Do you think that the sheriff's posse of one hundred men, which he now has, could do it?

Answer. Well, they have failed to do it.

Question. Do they not understand the country and the localities there better than the United States troops did?

Answer. They understand the localities better, but they do not seem to act with the proper disposition to catch them.

Question. How could the troops have done any better than those one hundred men which the sheriff now has in his posse, and who are well armed and have plenty of ammunition?

Answer. I think that the soldiers are trained to that sort of duty; they are better armed, and they are in discipline. I think that generally they ought to be more efficient than the set of men the sheriff calls out to assist him.

Question. Do you think that the training and discipline of a soldier would make him any more efficient for hunting seven or eight felons in an almost inaccessible jungle of that sort than a man who knows the country and is well enough armed?

Answer. I think that trained soldiers ought to be more efficient than a posse of men whom the sheriff summons promiscuously, and who are not well armed; I think the soldiers should be more efficient.

Question. Do you think there was any lack of diligence on the part of the officers who commanded those soldiers?

Answer. I do not know that the officers disobeyed any commands from their superior officers; but I did think that in four or five months a hundred men ought to have been able to capture seven.

Question. What officer was in command of those soldiers?

Answer. Major Thomas; General Morgan is in command of the district, I believe.

Question. Has there been any lack of diligence on the part of the civil officers of the State to pursue and capture those men?

Answer. I think so.

Question. On the part of what officers?

Answer. I think that it is ridiculous to say that the whole State of North Carolina and the whole force of the Army of the United States cannot capture seven men, though they may be in a dense swamp.

Question. Cannot a hundred men capture them as well as two hundred men?

Answer. They have failed to do so in this instance.

Question. Would two hundred men be more efficient than one hundred men, in pursuing those seven men?

Answer. They could better accomplish the surrounding of them. It seems to me that a hundred men ought to be sufficient to capture seven; but the more there are the more easily the seven men could be surrounded.

Question. When you speak of the whole State of North Carolina, and the whole Army of the United States, would you have the whole force of the State and the whole Army of the United States sent down there to do what a hundred citizens might do as well?

Answer. We have had a hundred citizens on duty there for a month, and they have not succeeded in doing anything at all.

Question. Except to get killed, some of them?

Answer. Except that five of them have been killed, and four of them wounded. I would have those men captured, whatever may be the proper and necessary method of doing it; that is what I would have.

Question. What officers of the government, State or Federal, have been guilty of neglect in this matter, do you think? Have the officers of your county been guilty of *laches*?

Answer. I think it sometimes happens that warrants are issued by magistrates for the purpose of gratifying those classes, that men are arrested and tried for some offenses. I do not know that I could exactly call it persecution; but I think that but for the influence of this band some arrests would not have taken place.

By Mr. BUCKLEY:

Question. Do you say that warrants have been issued to gratify the seven or eight men of that band?

Answer. Well, them and their friends. I do not know that I can make myself understood.

By the CHAIRMAN, (Mr. POOL:)

Question. In these efforts to arrest Lowry and his gang, how many have been killed of his friends and those who are supposed to have given him some aid?

Answer. Well, his father and brother were killed during the war. There was a freedman by the name of Bethea killed by the nine men to whom I alluded in connection with Judge Russell; and there was a man killed by the name of Saunders. Those are the only men killed that I ever had any knowledge of.

Question. Has not the present posse of the sheriff killed some of them?

Answer. I have not been informed of that.

Question. Have you heard of the posse which the sheriff has called out taking some of these colored men, who are presumed to know something of Lowry's whereabouts, and subjecting them to rough treatment, and on some occasions hanging them up by the thumbs or the neck to make them tell?

Answer. I do not know that I ever heard of more than one instance of that sort.

Question. Do you think there has been any *laches* or dereliction of duty on the part of your county officers to arrest Lowry and his gang of seven men? Have your county officers done their duty in the premises, or have they not?

Answer. [After a pause.] I think that the sheriff, with the right to call a posse of the county, where there are three thousand voters, ought to be able to arrest seven men. I believe that there is a terror of those men on account of the certainty with which they aim; they seldom ever fail to kill whenever they shoot. I believe that that mainly is the reason why they are not captured or killed.

Question. You mean that the people generally are afraid of them?

Answer. The people generally are afraid of them. That is about the truth of it. I do not like to give it a harsher name than that.

Question. Have your magistrates clothed your sheriff with full authority?

Answer. I think that the sheriff and everybody has authority—that any man would be protected who should tkill one of them after he had ordered him to surrender.

Question. They have been outlawed by the magistrates of the county. The sheriff has been specially enjoined by the executive authorities to take them, dead or alive. Now, if there is any *laches* anywhere is it elsewhere than with the sheriff himself?

Answer. I do not think there is any *laches* with the sheriff. I think he has been doing as well as he could.

Question. You mean to say that the trouble is with the people who compose the sheriff's posse?

Answer. Yes, sir.

Question. Is there any trouble anywhere else?

Answer. Well, sir, it is mighty hard to answer that question exactly conscientiously. But it seems to me that, besides the terror that Lowry and his gang inspire, there is a little of sympathy, too. I think that among his class and color there is a little pride that we have been unable to take them; that he and his men can conquer and whip all who go after them.

By Mr. BUCKLEY:

Question. Among the 800 of his own class?

Answer. Yes, sir, with that class of people.

By the CHAIRMAN, (Mr. POOL:)

Question. Would you not express it by saying that they had a little admiration for his bold conduct and his success?

Answer. Yes; well, admiration does not exactly strike it, either. But it is just that way. It is a feeling inspired to his benefit.

Question. Do I understand you to mean that that is the feeling on the part of the colored people toward him because he is a man of color?

Answer. I think so.

Question. That is what you mean?

Answer I think they feel more pride in it than they would if he were a white man.

Question. You do not think it is connected with politics?

Answer. Well, not that. It is just this way: he and all of those men who are of the same complexion, the whole class of them, those seven or eight hundred men I speak of, are republicans. And there is one thing about it, they have not killed any that were republicans, except once, by accident. Their murders have been of the other party.

By Mr. BUCKLEY:

Question. Did I not understand you to say that they had killed two republicans?

Answer. Yes, sir; but they were killed by accident. They were expecting the sheriff along, and they waylaid him, and the sheriff had sent some other men along who were republicans, and they mistook them, and killed them. But they have never killed any other republicans. And I think another thing: I honestly believe that they are of the opinion that as long as they do not kill any but democrats, the Government will not be so hard with them.

By the CHAIRMAN, (Mr. POOL:)

Question. That is the impression among the gang?

Answer. Yes, I think that is the impression among the gang. I believe they think if they confine their shooting and slaying to persons who are not republicans, the Government will not come in and punish them.

Question. How many effective white men have you in your county that are able to do duty on the sheriff's posse—able-bodied men?

Answer. Well, sir, I think there are about three thousand voters in that county, and I think that about half of them are white men.

Question. Have you as many as one thousand men in that county who are active men and healthy, who would be able to do duty on the sheriff's posse?

Answer. I suppose that we have.

Question. Why does not the sheriff call out a thousand men instead of a hundred, if that many is necessary?

Answer. Well, sir, if you will excuse me, you asked me a while ago if one hundred men would not do as well as two hundred. I think that is about the reason of it. I think it is considered that one hundred men would do just as much service as any other number.

Question. Would you have men called in from some other county in the State to do what men in your county might just as well do, as a sheriff's posse?

Answer. I would have those men captured by any help from any source, I do not care where it comes from.

Question. Would a thousand men, that the sheriff could call out in your county, need any help if he were to call them out?

Answer. These seven men have been murdering for several years. I want to stop that. I do not care to reason about how many men it would take to capture them or kill them; I want the thing stopped.

Question. That is the reason that I asked why the sheriff does not call out all the people that are necessary.

Answer. He has had out a hundred for some time, and a good many of the balance have gone to other counties. They do not like to come in contact with those fellows.

Question. Do you know how many militia Governor Holden called out last summer for Caswell and Alamance?

Answer. I do not.

Question. Do you know whether it exceeded three hundred men?

Answer. I do not know the number.

Question. Did it appear in evidence before the proper tribunal that there were in the county of Alamance alone three hundred men who were banded together to commit these outrages and to protect one another, and bound by oaths?

Answer. I do not think I can answer that question.

Question. Do you recollect seeing that it was disclosed by evidence taken before the supreme court justices that there were forty thousand confederates of these Alamance and Caswell Ku-Klux in the State of South Carolina?

Answer. I did not see that.

Question. Well, suppose that fact does appear, and also the fact that there were three hundred of these men banded together in the county of Alamance, and that several murders and outrages had been committed by them, would you not consider that a more serious matter than seven men who had been outlawed, and were in the swamps of Robeson County?

Answer. I do not think there is any community in North Carolina that is afflicted worse than Robeson County at present; I do not know anything about Caswell and Alamance personally; but I believe that the terror to the law-abiding citizens of Robeson County is greater at the present time than it has been in Alamance or Caswell; my answer may not be responsive to your question.

Question. Have you ever known of Lowry and his gang attempting to influence the votes of men?

Answer. I have very little communication with Lowry's gang; I think they all, including Henry Berry Lowry, have marched in political processions, and that far they have attempted to exercise a political influence; I think all but Henry Berry Lowry have voted.

Question. Have they marched in those processions since they were outlawed?

Answer. I think not.

Question. Does this Lowry gang go in disguise?

Answer. They do when they go to commit a robbery; the evidence upon the trial for the murder of Reuben King was that they were disguised.

Question. Have they ever taken men out of their houses and whipped them?

Answer. I do not recollect any instance of that sort; they just kill whenever they attack; I do not think they bother with slight whippings; they, however, do go and caution both men and women about talking about them, and threaten that if they speak of them in any disrespectful way they will kill them; I do not think they threaten any punishment short of death.

Question. You stated that on one occasion the troops refused to guard the jail; has the sheriff power to summon a posse of citizens to guard the jail, if he deems the prisoners there insecure?

Answer. I suppose he would have.

Question. And the troops declined to guard the jail; you say Lowry went afterward and released the prisoners?

Answer. In the presence of the troops, within a hundred yards of them, he went in and broke into the jail.

Question. Broke into the jail?

Answer. Yes, sir.

Question. In the daytime?

Answer. No, sir; at night.

Question. Was it known to the troops?

Answer. I suppose not.

Question. Was it known to any of the citizens?

Answer. I suppose not.

Question. Do you know how many men Lowry had with him on that occasion?

Answer. I do not; I heard there were some four of them.

Question. You stated that the sheriff's posse on one occasion had killed a colored man; how many of the posse took part in the killing?

Answer. I do not know.

Question. Where was the colored man when he was killed?

Answer. Well, sir, he was in Scuffletown, in that region of the county.

Question. Was he not in his own house?

Answer. I do not know; I think I heard that his body was not found in his house, but found not far from the house.

Question. Had they any authority to kill that man?

Answer. I do not think they had.

Question. Were the men who killed him the men that the grand jury refused to find a bill against, when Judge Russell expressed his disapprobation upon the records of the court?

Answer. Well, I do not know who did kill him.

Question. Was that the case?

Answer. I would not like to have that stated exactly in that way. There were some nine men that Judge Russell issued a bench warrant for.

Question. Charged with what?

Answer. Charged with the murder of this colored man. And the facts were submitted, under a bill of indictment, before the grand jury, and they found it not a true bill. Now, I am inclined to think, from all that I have heard about it, that there was

not sufficient testimony before the grand jury to justify them in finding a true bill. And I further heard that the testimony that was before Judge Russell was not before the grand jury.

Question. You heard that there was testimony before him which the grand jury did not have?

Answer. Yes, sir.

Question. Did you understand that the judge supposed that all the testimony had been given to the grand jury?

Answer. I reckon so, or he would not have put his protest on record.

Question. You say that if the laws existed now that existed before the war, you think this thing could be suppressed. What law was there before the war which does not now exist, and which would aid in the suppression of this gang of men?

Answer. I think that the statutes are as efficient in letter now as they were before the war.

Question. Did we have patrol laws before the war?

Answer. Those patrol laws did not affect this class of men. But I do not think it is practicable, in the present condition of the country, to execute the laws as efficiently as they were executed before the war.

Question. I merely wanted to know if there had been any statute repealed; I do not recollect of any statute repealed.

Answer. I do not remember; I do not think there is any. I will just finish out my answer, if you will allow me. There is this now which was not before the war: the use of fire-arms has been allowed to that class of people; their right to use fire-arms did not exist before the war.

Question. You mean the use of fire-arms by colored people?

Answer. Yes, sir.

Question. They are now allowed to use fire-arms?

Answer. Yes, sir.

Question. And you think that is one reason why you cannot so efficiently make these arrests?

Answer. I think it is one reason why they can so efficiently resist the officers of the law; yes, that is it.

Question. Does the fact that colored men have been permitted, since the war, to testify in the courts, affect your ability to have this gang of men arrested?

Answer. I certainly cannot say; but I do not see that it does.

By Mr. BLAIR:

Question. Colored men could have testified before the war against these men?

Answer. Against each other, yes.

By Mr. BUCKLEY:

Question. I want to know about what time this resistance to law and authority commenced on the part of these seven or eight men; at what period of the war?

Answer. I think that Henry Berry Lowry killed James P. Barnes about 1863; I think that William Lowry commenced robbing about 1864. He was the captain of a band, and he and his father were killed. After that, I suppose they did not hold themselves amenable to law; they did not permit themselves to be arrested after that time.

Question. So these difficulties commenced in your State before the war closed, and before there was any political influence in the State, one way or the other, on the part of the colored people?

Answer. Yes, sir; they were felons evading arrest for their crimes before that time.

Question. You spoke about some of the officers in your county who were republicans, and some of them who were democrats; but you did not mention particularly who were republicans and who were democrats. I think you said the sheriff was a democrat?

Answer. Yes, sir.

Question. The commissioners of whom you spoke, are they republicans or democrats?

Answer. They are democrats.

Question. Did I understand you correctly to say that the commissioners had given the sheriff authority to raise a posse as large as he thought necessary to arrest these people?

Answer. I do not think the commissioners could do that; I think he gets his authority by virtue of his office. I think they have made arrangements to feed the men called out as a posse.

Question. To pay the expenses on the part of the county?

Answer. Yes, sir.

Question. You spoke about Lowry being in jail at one time, and you said that he drew a pistol on the jailer and made him open the door?

Answer. Yes, sir.

Question. Was he not disarmed before he was put in jail?

Answer. It seems not. That was before the present sheriff had control of it.

Question. Well, do you think politics has anything to do with this resistance to authority of law one way or the other, commencing away back in 1863, and continuing up to the present time, on the part of these six or seven men?

Answer. I do not think that the republican party, as a party, in that county, or in the State, countenance the conduct of these men. But I do think that if we had the same right, if we had the same ability to control that class that we used to have, we could put this thing down.

By the CHAIRMAN, (Mr. POOL:)

Question. What class?

Answer. This very Lowry, mulatto, robber class which we have there. I think that if there had been such a band of them before the war that there is now, we could have arrested them.

By Mr. BUCKLEY:

Question. But during the war you found it more difficult?

Answer. No; during the war we did arrest two or three of the wrong-doers, and they were punished.

Question. But still they kept up their resistance to law and authority, from 1863 down?

Answer. Yes, sir; that is about the fact.

By Mr. BLAIR:

Question. Would it be possible for them to keep up that resistance except for sympathy and assistance that the large class of men of their own race and color in that region give them?

Answer. My answer must be a matter of opinion, of course.

Question. I expect that.

Answer. I think that if there were no mulattoes there in that county they could not carry on their depredations.

Question. Do you remember the case of the declaration of martial law in Alamance and Caswell?

Answer. I remember that martial law was declared there.

Question. Do you remember that there was no instance of resistance to the process of law in those counties?

Answer. That was published and believed; my understanding was that the precepts of the court could be executed by the officers on any and every person in those counties.

Question. Now, I want to put this question to you: In those counties, where there was no resistance to the precepts of the courts, none alleged, yet martial law was declared, and selected troops were levied, with officers selected for their fitness for that particular purpose. In the case of Robeson County there has been a continued resistance to the law for four years; yet there has been no declaration of martial law there, no calling out of selected troops by the State government to put it down, has there been?

Answer. There has been a continued resistance for four years; well, ever since 1863, more than four years; it was universally known that process could not be executed on those seven men. This act under which Kirk and Bergen operated in Alamance and Caswell Counties was never enforced in Robeson; there were no officers appointed, no military sent there for the purpose of enforcing the law in that county. The only exception was that we had a company of United States troops.

Question. In whose presence some of these crimes were committed without the offenders being captured?

Answer. Yes, sir.

Question. Now, I want to ask you this question: If Holden and the radical administration of the State of North Carolina had selected troops, selected militia, adapted to this purpose, had sent for men that were eminently fit, as they supposed Kirk and Bergen were, for the Alamance raid, and had authorized them to tie these Scuffletown negroes up by the thumbs until they would tell where this band was, would not those measures have proved efficient in the case, or quite as efficient as they proved in Caswell and Alamance Counties, where there was no resistance offered to them?

Answer. Well, sir, it is generally supposed that authority to compel information would lead to the detection of these outlaws; I suppose that it would be efficient: but that is a matter of opinion with me. I think if the military bill passed in North Carolina had been enforced in Robeson County, instead of in Caswell and Alamance Counties, it would have been productive of good results.

Question. I understand you to testify that Judge Russell, who presides in your circuit or district, instead of countenancing measures that were practiced by Kirk and Bergen to elicit information, protested when the grand jury refused to indict men for murder, or for an outrage upon a person who refused to give them information?

Answer. At our last superior court I was informed that upon an affidavit made before him, Judge Russell had issued a bench warrant against nine men who were accused of having been instrumental in the homicide of a person of color, while they were engaged with a sheriff's posse in attempting to arrest these robbers. I was further informed that a bill of indictment was sent before the grand jury against these same men, and that the grand jury returned it not a true bill. I was informed, however, that some evidence that was testified to before Judge Russell was not before the grand jury. At the close of the court Judge Russell spread upon the minutes of the court a paper protesting against the action of the grand jury in failing to find a true bill.

Question. If I understand it, the law is still in existence in your State which gives the governor the right to select militia and the commanders of the militia, for the purpose of executing the law, where there is resistance to process; or did that bill apply simply to Alamance and Caswell Counties?

Answer. My recollection is, that the last legislature repealed that act. I was not a member of that legislature, and I have not seen the acts published; but I think I have seen some account that that act was repealed.

Question. This disturbance existed in Robeson County at the time that the disturbances were going on in Caswell and Alamance Counties?

Answer. Yes, sir. I think that these disturbances existed in Robeson County at the same time the military force was called out for Alamance and Caswell.

Question. Was that law one particularly applicable to Alamance and Caswell?

Answer. I think it was a general law, embracing the whole State.

Question. And it would have authorized the governor to have put the county of Robeson under martial law, and to have exercised there the same authority, and at the same time, that he exercised in Alamance and Caswell?

Answer. Yes, sir; there is no doubt about that, I think.

Question. Did you ever hear of this band of Lowry inflicting any injuries upon negroes, or robbing them?

Answer. I never did.

By the CHAIRMAN, (Mr. POOL:)

Question. Is there any authority under any law in North Carolina, or was there in the bill which you say has been repealed, for the governor to direct that men should be hung up by their thumbs, or used roughly in any other way, to elicit testimony from them?

Answer. I do not recollect the provisions of the act which has been repealed; I do not think it did confer that authority. It was said to have been practiced by the militia, however.

Question. Was it said to have been practiced by any one except Bergen?

Answer. My information is entirely from newspaper reports, and I would not like to say. I am not certain that it has been reported to have been done by any one else.

Question. Do you know that the governor ordered Bergen's arrest as soon as it was reported that he had done that, and that he was arrested and placed in jail in the city of Raleigh upon that charge?

Answer. I heard that he was arrested and in jail; but I did not know at whose instance or upon what charge.

Question. In your judgment, did Judge Russell act properly, and in accordance with his duty, when he issued a bench warrant for the arrest of those men who were charged with murdering that colored man?

Answer. I think it was his duty to have issued a bench warrant upon the proper affidavit made before him of the commission of a homicide. I think that he exceeded his duty in entering a protest upon the minutes of the court as to the action of the grand jury, because I believe that unless they had proper testimony they ought not to find a true bill; and that was a matter for their judgment and conscience, and not for his.

By Mr. BUCKLEY:

Question. In speaking of the republican party in your State, can you state about what time it was organized?

Answer. What time it was organized?

Question. Yes; at what time did you first hear of it there?

Answer. Well, I think that the party that advocated the adoption of the present constitution of North Carolina in 1868 was the first real, thorough organization of the republican party in the State.

Question. These troubles had been going on for some two years previous to that time, from the close of the war up to that time?

Answer. Yes, sir.

Question. And the same resistance to law and authority had continued during those two previous years?

Answer. They were arrested twice, but they escaped each time.

Question. A few moments ago you spoke of the amount of sympathy and support this band of outlaws received from their friends the colored people. I wish to ask you

if you do not think the same degree of support and sympathy was given to those men by their friends before the organization of the republican party there that has been given to them since that time?

Answer. I think that since the formation of the republican party in the county and in the State, the colored people, who are most all members of it, have acquired an importance in consequence of their political influence that they did not have. Does not that answer your question?

Question. I think that is not responsive to my question. Does Lowry and his band get any more support now, or have they had within the last two years, than they had for the two years preceding 1868?

Answer. I do not think that Henry Berry Lowry has any local political influence, more than being a member of a class all of whom have the same political bias and entertain the same political views.

Question. Do you think that a posse of men engaged in the attempt to arrest Lowry and his band would be equally in danger irrespective of party affiliations?

Answer. I can only answer that by the past. They have, with two exceptions, killed those of the opposite party.

Question. Is it not true that a majority of the posse summoned to arrest Lowry and his band were of the opposite party?

Answer. I think they were summoned promiscuously, regardless of color or political bias.

Question. And all turned out willingly to help make the arrest?

Answer. Well, there is not much willingness with any of them; they go because the law requires them to.

Question. But those that kept away did so from a feeling of danger affecting all alike?

Answer. Yes, sir.

WASHINGTON, D. C., *August* 2, 1871.

PLATO DURHAM sworn and examined.

The CHAIRMAN, (Mr. POOL.) As this witness has been summoned at your request, General Blair, you will please open his examination.

By Mr. BLAIR:

Question. Where do you reside?

Answer. In Shelby, Cleveland County, North Carolina.

Question. How long have you lived in Shelby?

Answer. Since May, 1865.

Question. Are you a native of North Carolina?

Answer. Yes, sir; I am a native of Rutherford County, an adjoining county to Cleveland.

Question. State what public positions you have held in North Carolina?

Answer. I was a member of the legislature of North Carolina at the session of 1866–'67; that was my first public service. I was a member of the constitutional convention which assembled in our State under the reconstruction acts of Congress, in January, 1868. I was also elected in April, 1868, a member of the legislature for the term of two years. I am not now in any public position.

Question. Are you a practicing lawyer?

Answer. I am.

Question. In what circuit do you practice?

Answer. The ninth judicial circuit of our State.

Question. What counties does that circuit include?

Answer. Polk, Rutherford, Cleveland, Lincoln, Gaston, Mecklenburg, and Cabarras.

Question. The object of the committee is to ascertain whether the laws of your State are efficiently executed, and whether property and life are safe there. Give the committee any information you have upon that subject. In doing so you are not required to speak absolutely of facts within your own knowledge, but you may state any information upon which you place reliance.

Answer. Well, sir, that matter is somewhat mixed. I do not think that the existing laws of North Carolina, particularly those of the criminal code, have been enforced as they ought to have been since 1868. I do not know how it is in all the judicial circuits of the State, but in the circuit in which I practice I am satisfied the laws have not been enforced as they should have been so as to prevent crime.

Question. State in what respect the laws are not enforced?

Answer. In the first place, I think that the judge of our circuit, Hon. George W. Logan, who was elected judge in 1868, at the time the present constitution was ratified, is an incompetent man. That is the opinion of almost all the members of the bar in

the circuit; in fact, I believe of all, except perhaps some lawyers who have come in under the "twenty-dollar rule," as we call it in North Carolina—a provision that any man who will simply pay $20, and prove a good moral character, may go to practicing law. Some time ago the members of the bar were so fully convinced of the incompetency of Judge Logan, that a meeting of the bar was held in Charlotte, North Carolina, one of the towns in which he holds his court. At that meeting, which was numerously attended by lawyers of the district of all parties, there was unanimously adopted a petition or recommendation to the legislature (which has since been signed by a great many others) that some steps be taken by which the district may be relieved of Judge Logan. I do not recollect exactly the language of the petition or recommendation, but its object is, if possible, to get the district relieved of Judge Logan, because he is considered an incompetent judge. That petition or recommendation is signed by members of the bar of all parties. The solicitor, Mr. Bynam, who is a very prominent republican in that part of the State, signed the petition, as did also General Barringer, another prominent republican in that district. I saw Mr. Barringer's name to the petition; I have also been informed by others that he signed it, and I know from conversations with him his opinion in regard to Judge Logan's competency. If you want some instances of the conduct of Judge Logan, I can give them.

Question. Yes, sir; state in what respect his incompetency manifests itself?

Answer. There are so many cases in which the judge has been overruled by the supreme court of our State that I cannot really call to mind many cases in particular. One case which I recollect distinctly was where in a trial before him for murder he charged the jury that upon an indictment for murder a verdict of manslaughter could not be found.

Question. You say that disorders have arisen from this incompetency of his?

Answer. Yes, sir; I have mentioned his incompetency; but I go further than that. Judge Logan is certainly a very bitter partisan, and has been ever since the war; and, in addition to his incompetency, I think he carries his partisan prejudices upon the bench. As illustrations of what I have stated as my belief, I may mention that in the case of colored men particularly, who have been convicted in his courts of larceny and other crimes, he has frequently allowed them to go free upon the payment of costs simply; and on others of his own party, known to be strong partisans on his side, he has imposed very light fines for very serious offenses.

In February, 1870, I believe it was, Mr. Aaron Biggerstaff, with two or three other parties, went to the house of his half-brother, Samuel Biggerstaff, and, as I am informed by the attorney who defended the parties, deliberately fired several shots into that corner of Samuel Biggerstaff's house where he usually slept, with the deliberate purpose to kill. This was shown conclusively, as I learned from Mr. Caveniss, the attorney who defended the parties. They were convicted of the crime in Judge Logan's court in the county of Rutherford; and he fined Mr. Aaron Biggerstaff, I believe, $25; the other three men were fined from $15 to $20 each; I do not know exactly the amounts, but they were insignificant. Those men were not imprisoned at all, but were turned loose upon the community.

Question. Almost every witness we have had before us from your section of the country has had more or less to say about this Biggerstaff case. Mr. Justice, I think, testified that a shot was fired into Sam. Biggerstaff's house by a man named McGahey. He spoke of only one shot having been fired into the house. He said the evidence was that McGahey left the party, of whom Aaron Biggerstaff was one, ran ahead to the house of Samuel Biggerstaff, and fired a shot; and that the balance of the party immediately quarreled with him because of his impetuosity, and retired.

Answer. Well, sir, the attorney who defended these parties gave me a different statement. I did not hear the evidence myself.

Question. What was his statement?

Answer. It was that there were three shots fired into the house; that Aaron Biggerstaff, Mr. McGahey, and I think, Aaron Biggerstaff's son-in-law, a man named Holland, all fired.

Question. Were the parties put on their trial for firing into Sam. Biggerstaff's house?

Answer. They were.

Question. And convicted?

Answer. Yes, sir.

Question. And a fine imposed by Judge Logan?

Answer. Yes, sir; $25 in the case of Aaron Biggerstaff, and $15 or $20 each in the case of the others. I forget the exact amounts.

Question. What offense had Sam. Biggerstaff committed?

Answer. I never heard of any.

Question. Was it not alleged that he had been at the house of McGahey and insulted his wife?

Answer. I think that is what McGahey alleged; that he had found tracks in the snow to Sam. Biggerstaff's house that night or the night before, I forget which.

Question. Was that true?

Answer. I really do not know whether it was true or not. At any rate the parties were never indicted.

Question. Was that evidence admitted on the trial to extenuate the crime committed by Aaron Biggerstaff?

Answer. I really do not know. I never heard that it was. At any rate Samuel Biggerstaff was never indicted for going to McGahey's house. There were no indictments against him in the courts.

Question. Was it this raid and the subsequent killing of Decatur De Priest by McGahey that caused the subsequent attack upon Aaron Biggerstaff?

Answer. I really do not know what caused it. But there has been, as I am informed, and have reason to believe, a very bad state of feeling between Samuel Biggerstaff and his brother Aaron, ever since the close of the war—a family feud; and from the time of the shooting into Samuel's house up to this time they have been bitter enemies. They have their friends on each side. Mr. Aaron Biggerstaff is a republican, and Samuel Biggerstaff a democrat. Whether that has had anything to do with the bad feeling, or whether it is merely a family feud, I do not know; but I am informed that it is a family feud which has been kept up ever since the war.

Question. Between those two brothers?

Answer. Between them and their friends.

Question. Aaron Biggerstaff was attacked by a body of men some time after this?

Answer. That is what is alleged, and I suppose it is true. That was, I believe, during the present year—some time in March or April.

Question. And a number of men were arrested for that?

Answer. Yes, sir, a number of men have been arrested.

Question. How many?

Answer. I believe there had been about thirty-one arrested up to the time I left home, for the attack on Aaron Biggerstaff.

Question. The first arrest was made under process from the State courts?

Answer. Yes, sir. Judge Logan issued bench warrants on the affidavits of Mr. Biggerstaff and his daughter, Mrs. Norville.

Question. Were the parties all held for trial?

Answer. They were arrested and taken before Judge Logan and imprisoned two or three days at Rutherfordton. It was about the 12th of April when they appeared before Judge Logan in Rutherfordton. They were ready for an examination; but he did not investigate their cases, but bound them over to appear in June.

Question. June of this year?

Answer. Yes, sir; he required them to enter into bonds of $500 each to appear before him in May or June of this year. When they appeared before him at that time he still was not ready to investigate their cases; and he required them to enter into bonds of $500 each to appear before him again on, I think, the second Monday in July; I forget the exact date, but it was some time in July. They have been bound over three times. What disposition has finally been made of their cases in the State courts I do not know.

Question. These parties were also arrested by the United States authorities?

Answer. Yes, sir. The same parties, or a number of them, have been twice arrested by the Federal authorities. The affidavits upon which the processes have been issued have been different every time. I think Mrs. Norville has made three or four affidavits in the matter, and Aaron Biggerstaff three or four. At least I understand it in that way.

Question. I wish you would give the committee as distinct an account as you can of the whole of this Biggerstaff feud from beginning to end.

Answer. I am not prepared to give, from my own knowledge, an account which can be relied upon; I can only state what I have heard.

Question. The committee does not require you in every case to state facts within your own knowledge; you are at liberty to state any information upon which you rely.

Answer. The facts, as I understand them, were given to me by the attorney of Mr. Aaron Biggerstaff—the gentleman who defended him in his trial—and I think my information is reliable. I understand that about the close of the war Mr. Aaron Biggerstaff was piloting the Federal cavalry around among his neighbors' farms, &c., hunting up their horses. I think that is, perhaps, what gave rise to the feud between himself and his brother—that, perhaps, he took the Federal cavalry to his brother's plantation, and that his brother's horses were taken. I think there has been a bitter feud between them ever since, one thing leading to another. I only state this upon information of parties who profess to know the facts. It is understood in the country, by all parties whom I have heard speak of the matter, that it is a personal, family quarrel—a family feud. As to the assault upon Mr. Aaron Biggerstaff, I know nothing. Aaron Biggerstaff swears that he was assaulted in his own house on or about the 8th or 9th of April, I believe, by a band of disguised men, and that those men were his immediate neighbors—Samuel Biggerstaff and others. These parties have been

indicted in the circuit court of the United States for the district of North Carolina, and the indictment is now pending. A special term of that court is appointed to be held the second Wednesday of September for the trial of their cases and others.

Question. This McGahey affair has been testified to here as the first affair of that kind which occurred in the county of Rutherford?

Answer. It is the first that I heard of. You mean the killing of De Priest?

Question. Yes, sir; the killing of De Priest and the previous alleged assault upon McGahey's family, which it seems led to the killing of De Priest.

Answer. Yes, sir; that is what is alleged—that a party of men went to McGahey's house the night before young De Priest was killed.

Question. Did you hear the evidence in regard to this visit to McGahey's house?

Answer. No, sir; I did not.

Question. Do you know the circumstances in regard to it from reliable information?

Answer. No, sir; I know nothing except that McGahey alleged that a party of men went to his house, and the next morning he went to the home of young De Priest, called him out and shot him, alleging that he believed he was one of the party that was at his house the night before.

Question. Was he arrested for this?

Answer. No, sir; he was not.

Question. He made his escape?

Answer. Yes, sir.

Question. And he is not now in the country?

Answer. No, sir; I have not heard of him since about a month or two months after this thing occurred. He was seen in the county several times afterward.

Question. Was it this murder of De Priest, and the attack about the same time upon Samuel Biggerstaff which led to the attack upon Aaron Biggerstaff?

Answer. I think it was that and other things. Mr. Aaron Biggerstaff was also accused of burning the barn of one of his neighbors. Mr. William P. Carson had a barn burned some time previous, and Mr. Aaron Biggerstaff was openly accused in the county of burning it.

Question. Is there any other reason or motive alleged for the attack on Aaron Biggerstaff than those circumstances?

Answer. Yes, sir; the republicans of that county say it was on account of Mr. Biggerstaff's political course—on account of his politics.

Question. Is there any evidence showing that to be the fact?

Answer. I know of none.

Question. What is your belief on the subject, from the circumstances attending the matter?

Answer. I am very strongly impressed with the belief that it is simply a family feud which has been kept up ever since the close of the war. About that time Mr. Biggerstaff is alleged to have gone around with the Federal cavalry picking up his neighbors' horses. I think it grew out of that—nothing else in the word. I think so because Mr. Biggerstaff is a man of no prominence whatever. I can see no reason, if these parties intended it for political effect, why they should have gone to such an obscure man as he. There were hundreds of other republicans in the county more prominent than Mr. Biggerstaff.

Question. More influential?

Answer. More influential. He is, I suppose, a man of no influence at all. I look upon him in that way.

Question. Did this Biggerstaff difficulty give rise to any other of the troubles in that county? Did it extend itself to other parties?

Answer. I do not know, sir. I learn that there have been other troubles in that county; but whether they grew out of this paticular case or not, I cannot say. I think, though, that about that time—February, 1870—was the commencement of the troubles there; and I heard of no other troubles in that county, until the assault upon Mr. Biggerstaff, about April of this year.

Question. The second assault?

Answer. Yes, sir. I will qualify the statement I just made. Before that second assault I did hear of the whipping of some negroes on the South Carolina border.

Question. Since the second assault upon Biggerstaff, is it alleged that there have been many other cases of the same character in Rutherford County?

Answer. Well, I have my idea about the origin of all those things, and it is the opinion, I think, of all the good people of that country—all the intelligent men who have observed the course of things there. I believe that all of these troubles spring from corrupt and incompetent State and Federal officials. I think that if Mr. Aaron Biggerstaff had been punished by the courts for his assault upon Samuel Biggerstaff, with deliberate purpose to kill, there would have been nothing of this assault upon him. But he was not punished; he was turned loose upon the community, as many others have been; and the most intelligent portion of that community, as well as other

communities in North Carolina, have come to the belief that justice cannot be had in the courts in the western part of North Carolina, in that district and some others.

Question. That is the reason, as you believe, that parties took it upon themselves to punish Biggerstaff's assault?

Answer. I think it was. I think that led to it. I think that if Aaron Biggerstaff had been punished for his assault upon his brother, with deliberate purpose to kill, as there is every reason to believe it was made with that purpose, these troubles would not have arisen. I have been told by Mr. Caveniss that the bullets and slugs were in the bedstead of Samuel Biggerstaff, and that he would have been killed but for the fact that he was lying down before the fire that night, on account of sickness, or something of the kind; that they fired into the corner where he usually slept, not knowing that he was lying before the fire.

Question. There was no lack of vigor in the attempt to punish the assault upon Aaron Biggerstaff?

Answer. None at all. Bench warrants were issued the next day after it was committed.

Question. Were all the parties held to bail?

Answer. Yes, sir; all the parties accused by him were held to bail.

Question. They were also proceeded against in the Federal courts?

Answer. Yes, sir.

Question. Under the recent act of Congress?

Answer. Under an act of Congress of 1870, I believe. This thing occurred before the passage of the last act of Congress on the subject.

Question. Those parties were arrested and carried to Raleigh?

Answer. They were carried to Raleigh, and put in jail.

Question. How far is Raleigh?

Answer. It is about two hundred and fifty miles from the homes of these parties.

Question. Is their no Federal court sitting nearer?

Answer. Yes, sir; a Federal court sits at Marion, within twenty-five miles of the homes of most of the men. It sits in August.

Question. Why, then, were these parties dragged down to Raleigh, instead of being carried before the court which was so near?

Answer. I have my own idea about that, and it is the opinion of all intelligent men, who have observed the matter. I believe it was done for the purpose of annoyance and persecution. Many prominent republicans admit that it was an outrage on justice that those men should have been carried to Raleigh, when a Federal court was about to sit within twenty-five miles of their homes. Almost all of the men are poor; and it is impossible for them to take the witnesses for their defence to Raleigh. It seems to me that the result of such a course must be a denial of justice in the courts.

Question. What is the evidence against the parties who have been arrested for these offenses?

Answer. I do not know what Mr. Biggerstaff or his daughter will swear. All I know is that they were before the grand jury at Raleigh, and upon their testimony true bills of indictment were found. I suppose they will swear that they knew the parties. I have understood they say that some were disguised, and some were not; that they knew some by their voices, and others by their bulk, their bearing, &c.

Question. Do they implicate their neighbors?

Answer. Yes, sir; they implicate their neighbors generally. Almost all the parties implicated are their neighbors, residing, I suppose, within about five miles around Mr. Biggerstaff's home. One man implicated resides in Cleveland County, perhaps eight miles distant.

Question. Are you counsel for these parties?

Answer. I am counsel for all of them.

Question. Are you familiar with the evidence for the defense?

Answer. Yes, sir; I have examined it pretty thoroughly from time to time.

Question. What is your opinion in regard to the truth of the allegation that these men who have been arrested are the parties who were concerned in that affair?

Answer. If the testimony on the part of the defense be true, not more than two of the parties at present indicted are guilty. Those two may be; it is a question of doubt in my mind; I mean if the testimony of the defendants be true.

Question. Mr. Justice, who appeared before the committee and testified in regard to this and other outrages in that county, was himself, as he declared here, attacked by these disguised parties. Do you know anything of the circumstances attending that affair?

Answer. I know nothing except what I have heard. I understand that a disguised party of men, or a party partly disguised, went to the home of Mr. Justice, in Rutherfordton, took him out at night, struck him on the head, perhaps, with a pistol, and threatened him a good deal.

Question. They struck him when he made resistance?

Answer. Yes, sir; that is what he said, I believe.

Question. They inflicted no other injury upon him, did they?

Answer. I think not. That was all I heard of. I think Mr. Justice states himself that they did not hurt him except to that extent.

Question. Is it believed that it was the object of these parties to inflict any injury upon Mr. Justice?

Answer. The general opinion is that they went to Rutherfordton for the purpose of finding Mr. Biggerstaff, who had been living in Rutherfordton, but who had left his home, I think, after the assault upon him in April.

Question. Mr. Justice testified that they required him to inform them where Biggerstaff was, telling him that it was their intention to kill him, and that they agreed to release him if he would give them that information?

Answer. I suppose those facts are true. They correspond with the statement I have heard. The impression is that they went to Rutherfordton for the purpose of finding Mr. Biggerstaff. Mr. Justice himself swears, I believe, that two of Samuel Biggerstaff's sons were among the party; and it is the general impression that they went there for the purpose of finding Aaron Biggerstaff.

Question. State to the committee what in your opinion is the cause of the troubles in the South, and especially in that part of North Carolina in which you reside—Rutherford and Cleveland Counties.

Answer. Well, sir, I can very readily state, as a general answer, that in my opinion the cause of the troubles in the whole southern country is bad government. I do not think there can be any question about that. I am fortified in that belief by the fact that up to the time that these governments and State constitutions so obnoxious to the people of that country were imposed upon them, nothing of this sort was occurring. From the close of the war up to 1867, affairs were perfectly quiet in the South; there were no occurrences of this kind. I attribute the whole thing to bad government, corrupt and incompetent officials, and bad advice to the ignorant negro population.

Question. The testimony given before the committee by Mr. Justice and other witnesses from your State would seem to indicate, and, indeed, I think they testified positively, that the white people are determined to coerce the negro in the exercise of suffrage, and that these organizations spoken of as existing were gotten up for that purpose?

Answer. I know of no disposition on the part of the white people of that country to coerce the black people. If there be any such thing, I know nothing of it. But I know that the colored people of North Carolina (I speak of that State more particularly than any other, because I know more about it than any other of the Southern States,) have, since the passage of the reconstruction measures of Congress, been taught to believe by the leading members of the Leagues that the white men of that country are their enemies; that their only friends are the northern men, and those who have gone with the northern men in giving them suffrage &c.; that it is the desire and deliberate purpose of the white people of our portion of the country to restore slavery at the earliest possible moment. The negroes themselves say that they have been taught to believe, (they have told me so,) that such is the purpose of the white people of the southern country. As a matter of course the negroes are ignorant and superstitious. They were taught to believe that the armies of the United States emancipated them, that the Government of the United States was their only protector, that the southern people were their enemies, and soforth, and soforth. They have been alienated in that way from the white people, and remain so to a great extent, though a large number of them are now willing to believe that the representations that have been made to them in regard to the restoration of slavery in the Southern States are false.

Question. Were there any representations made to these negroes in your State by the republican party, in an authoritative way, in their conventions or public meetings, or publications?

Answer. There have been documents circulated among the black population throughout the State, that have had a very injurious effect; there is no doubt about that; and taking into consideration the superstition and ignorance of the negro population, it is very strange that they have not been worse affected than they have been, that no more evil has resulted. The members of the legislature in 1868—I believe it was just before the presidential election of 1868—issued an address to the people of North Carolina, which I considered then, as I do now, incendiary in the highest degree.

Question. Inciting them to hostility against the whites?

Answer. It was not direct advice, but it was a suggestion.

Question. I have here some extracts purporting to be from that address, which was published, I think, August 24, 1868, and was signed by ninety radical members of the legislature. I will read you two paragraphs, and ask whether you remember them as part of that address:

"Did it never occur to you, ye gentlemen of property, education, and character—to you, ye men, and especially ye women, who never received anything from these colored people but services, kindness, and protection—did it never occur to you that these

same people, who are so very bad, will not be willing to sleep in the cold when your houses are denied them, merely because they will not vote as you do; that they may not be willing to starve, while they are willing to work for bread? Did it never occur to you that revenge, which is so sweet to you, may be as sweet to them? Hear us, if nothing else you will hear, did it never occur to you that if you kill their children with hunger they will kill your children with fear? Did it never occur to you that if you, good people, maliciously determine that they shall have no shelter, they may determine that you shall have no shelter? * * * * * *

"And now, be it remembered that in the late election there were more than twenty thousand majority of the freemen of North Carolina who voted in opposition to the democratic party. Will it be safe for the landholders, householders, and the meatholders, to attempt to kick into disgrace and starve to death twenty thousand majority of the freemen of the State?"

Do you remember these paragraphs?

Answer. I think I do; of course I cannot recollect them word for word, but I recollect them substantially as a part of that address.

Question. I will now ask you whether, about that time and shortly afterward, there were manifestations going to show that these suggestions and this advice had been acted upon by the negroes in your State?

Answer. I think there were many instances of it.

Question. Were there instances of the burning of barns and the destruction of other property?

Answer. Yes, sir; I heard of frequent instances of the burning of barns, &c.; and from that time up to this there has been more or less of it. In the county of Gaston, adjoining my own county, there were, a year and a half ago, as I have been told by Governor Vance, of our State, eleven barns burned within sight of the village of Dallas, the county seat of that county.

Question. How long ago was that?

Answer. I think it was about a year and a half ago.

Question. Was it prior to any attempt in that county to inflict punishment upon the negroes, such as has been alleged to have taken place?

Answer. Yes, sir; I think it was. I heard of those outrages having been committed, but I do not think they were committed before that time.

Question. According to your recollection were any of these alleged outrages committed prior to the giving of this advice by the members of your radical legislature, and its being followed up by the destruction of barns and other property?

Answer. Do you mean to ask whether any of these outrages were reported previous to that?

Question. Yes, sir.

Answer. I do not think I ever heard of any previous to the issuing of that paper. That was in 1868, just after the ratification of the present State constitution. It was ratified in April, I believe, and this document came out immediately after the adjournment of the summer session of the legislature—the first session, which lasted about two months. I do not recollect ever having heard of any outrages before that time. The people in North Carolina were very indignant at the issuing of that paper. The intelligent men whom I heard speak of the matter said that it was an outrage upon decency—an outrage upon the State. One republican member of the legislature from Granville County—a man by the name of Ragland—cursed in my hearing the men who signed it, stating that they "ought to be hung with a grapevine untrimmed." I have heard him say it time and again. He told me he was asked to sign the address, but refused to do so.

Question. Did he say anything as to the tendency of the advice contained in the address?

Answer. He said that the suggestions made in it were very dangerous in their tendency, and would result in harm.

Question. In point of fact were those suggestions followed?

Answer. I think they were. I do not know what else produced the state of affairs afterwards—the barn-burnings, rapes, &c.

Question. You speak of rapes. Were there any rapes in that part of the country by negroes?

Answer. Yes, sir; frequent rapes by negroes. Within the last eight or ten months there have been three rapes committed in the county of Gaston and on the border of Cleveland County, near the North Carolina line. In one case a rape was committed by a negro upon a little white girl fourteen years of age, under the most atrocious circumstances. She was taken out of bed where she was lying beside her mother, was placed upon the floor, a knife was laid down beside her, and she was told by the negro that if she moved he would cut her throat.

Question. There is, I believe, in the county of Robeson, in your State, a band of outlaws—colored men—who have put the laws at defiance for many years?

Answer. Yes, sir; for two or three years; I forget exactly how long I have been noticing their operations there.

Question. Is it the fact that these outlaws have defied the process of the law and committed many murders in that county, holding the entire county in terror? Is that fact pretty well known throughout your State?

Answer. It is well known. What we know about it is from the public press and from citizens of that section of country. Of course their outrages are constantly going the round of the press.

Question. Do you suppose that the condition of that county had any effect in alarming the white people of the State?

Answer. Of course it had. It had an effect everywhere. Nobody knew at what time it would extend. The whole country around Robeson County has been in constant alarm all the time. The operations of that band have been confined principally to Robeson County, I believe, though they have, I understand, on several occasions crossed into the border counties, robbing and plundering. How extensive the organization was at first nobody knew; and how extensive it is now, who is in sympathy with it, who is aiding and advising it, nobody knows.

Question. Was it not a fact well known throughout the State that this combination existed in the State for the purpose of plundering and murdering, and that these parties were resisting the process of the law at the time steps were taken to put certain other counties of the State under martial law?

Answer. O, yes; the operations there had been going on at that time for over twelve months; and frequent murders had been committed.

Question. In those counties that were placed under martial law there had been, I believe, no instance of resistance to the process of the law?

Answer. I never heard of any.

Question. Any one could be taken in those counties upon a writ or other legal process?

Answer. I never heard of any resistance in North Carolina to civil process except in the county of Robeson.

Question. How was it then that the authorities of the State took the step of putting those other counties under martial law, marching into them the militia, and inflicting punishments upon people without trial, while at the same time this state of affairs had existed in the county of Robeson, without any attempt to put it down by the same vigorous measures which were used in the other counties?

Answer. I have only an opinion about that; but I think it is the opinion of the community generally in that State.

Question. I would like to have your opinion upon the subject, and what you believe to be the public opinion of the State.

Answer. My opinion is that it is a political move entirely. That is the public opinion so far as I know. I suppose that of course the friends of Governor Holden would take an opposite view. I have never seen any necessity for the move, and I do not think there was any. It accomplished no good that I could see. They arrested and confined a great many of the best citizens of the State for from ten to forty days by Kirk's militia; and they were finally discharged without being even accused; I mean legally accused.

Question. At the same time this was being done these outrages in Robeson County were taking place. It was not denied by any person that such outrages were occurring?

Answer. I never heard of their being denied; it was a notorious fact that they were taking place. I do not mean to say that during the months of July and August, at the time when Governor Holden had his militia in operation, these outrages were going on in Robeson County, but they had been for over twelve months previous.

Question. Some of those parties in Robeson County had actually been convicted of their crimes and sentenced, and had escaped, and were putting the law at defiance—could not be arrested?

Answer. That is the report of the newspapers and of prominent citizens of the country with whom I have conversed.

Question. The civil authority was impotent to arrest men there who had been convicted of these crimes?

Answer. That is stated. I am informed that the sheriff himself is actually afraid to travel in the county; that if not in sympathy with the parties he is afraid of them; that he makes no attempt to check their operations. Lately the papers have stated that the sheriff, upon the murder of those three young men there very recently, had raised a posse, but I see no account up to this time of the arrest of any of the men, and I do not suppose they have been arrested.

Question. What is the general tenor of the teaching of the carpet-baggers and others to the negroes of your State?

Answer. The general tenor of their teachings has had a very bad influence upon the negroes. First and foremost, I think that in 1867 and 1868, about the time the Leagues were being organized, or rather reorganized, in that country, the influence of these men was very bad indeed. As I stated a while ago, the negroes were made to believe

that the white people were their enemies; that they were seeking the first opportunity to put the negroes back into slavery. That is being told to the negroes even to this day by a number of men. In fact it is the chief stock in trade of a number of men in that section of country. A great many honest men, even on the republican side, say there is no such danger; but others to this day tell the negroes that there is. The negroes at one time expected the confiscation of the property of the southern people; there is no doubt about that. They were so told. I have myself heard several negroes say that they were told that the lands of the southern people would be confiscated, and that they were promised land, horses, &c.—forty acres in real estate for each negro, I believe, and a horse or a mule. Some of the negroes of my county say that the chief man among the Leagues in 1867 and 1868—Mr. Elliott, who has since died—boldly stated in the League meetings that such would be the policy adopted.

Question. Did you ever see any of the stakes that were sold by speculators down there?

Answer. No, sir; I never saw any of them.

Question. You have heard of the fact that those stakes were sold to the negroes?

Answer. Yes, sir; I have heard very reliable gentlemen state that that had been done in different places.

Question. Was the teaching of the negroes in keeping with the address from which I have read an extract?

Answer. I think so. They say that they have advised the colored population to be quiet and industrious; but I know instances in which their advice has led to riots and bloodshed on the same day they have held their public meetings. It was so in one case in my own village. Mr. Justice came to my town in 1868; I think it was during the presidential campaign, or about the time the present constitution was ratified—I forget now which. He had, I suppose, some five hundred negro hearers, whom he addressed in a very excited manner, telling them that the white people were their enemies; that they should believe nothing that was said to them by the southern people generally; that they were only seeking to put the negroes back into slavery, and would do it as soon as they got control of the State government. I was told by gentlemen who heard the speech that such was its general tenor, and that it was delivered in a very exciting manner. Mr. Justice said afterward that he did not advise riot at all; but the manner in which such men have addressed these ignorant, superstitious people has caused them to commit a great many acts of violence that they would not otherwise have done.

Question. Was there a riot growing out of this harangue of which you speak?

Answer. There was.

Question. Did it lead to bloodshed?

Answer. Yes, sir.

Question. In your town?

Answer. Yes, sir. I came in rather late in the evening. I had been in the country, and came in at 4 or 5 o'clock in the afternoon. There was then a great deal of excitement on the streets. I ascertained the cause of it to be that there had been an attack by the negro assemblage upon three or four democratic negroes—negroes who declared that they would not go their way. The quarrel resulted in a free use of brickbats, rocks, &c. The white people were a good deal excited; but finally the disturbance was stopped without very much trouble.

Question. And without their participation in it?

Answer. Yes, sir; without their participation in it at all. These democratic negroes participated; they were attacked by the mob.

Question. And they defended themselves?

Answer. Yes, sir.

Question. What was the result of this kind of teaching in your State?

Answer. The result at one time was that the whole country was in a state of perfect terror almost; and it has been so from time to time ever since. Not more than four months ago the counties of Gaston, Rutherford, and Cleveland, on the southern border of North Carolina, were expecting a raid from the negroes of South Carolina. We were armed there for three or four days. There was an insurrection in the counties of York, Chester, and the border of Union, in the State of South Carolina; and we expected at that time that the trouble would extend into our State. Our towns were guarded night and day. The people of the country were making ready to defend themselves if possible.

Question. The reconstruction measures and the manner in which the State government was organized caused a great deal of dissatisfaction in your State?

Answer. Yes, sir; as a matter of course they did. The people were not prepared for that policy, and they looked upon it as a measure of aggression wholly unwarranted.

Question. Did they look upon it as a violation of the pledges of the Government made at the time of the surrender?

Answer. They did look upon it just in that way; and they believed that the men who came down there professing to love the negroes so much, and those who suddenly

turned over and became such lovers of the colored population, were not in earnest. We told the negro that they were not in earnest; and we cited the fact that in the Northern States, where this same party had for years had power to confer suffrage upon the negro, they had not done it; and it was very strange they should come down there and all at once fall so much in love with the black man. We thought it an imposition; we thought it was unconstitutional; we thought it was wholly unwarranted. I am satisfied that the whole difficulty has grown out of this doctrine of universal suffrage for the negro, and the teachings of the men who have controlled the State governments of the South since those measures were imposed.

Question. Were the governments which were already in existence suited to the requirements of your people?

Answer. Yes, sir; we thought so; and they were certainly two-thirds less expensive. The present government of North Carolina is two-thirds more expensive than the old one. No, it is more than that. The taxation for State purposes has been increased fivefold under the new constitution. Our taxation for State purposes before the war used to be ten cents on each one hundred dollars valuation of property—one-tenth of one per cent. We pay this year for State purposes 52 cents on each one hundred dollars of value. I think that is the present levy for regular State purposes, in addition to interest on the public debt, county expenses, &c.

Question. The public debt is also largely enhanced?

Answer. Very largely.

Question. For what purpose was this debt created?

Answer. At the time it was created it was believed to be for the purpose of building up the internal improvement system of the State; that was the professed intention. But since that time we have found to our sorrow that it was a gigantic swindle upon the whole people.

Question. Were no part of the bonds applied for the purposes for which they were granted?

Answer. I do not know that any part of them has been so applied. The western division of the Western and North Carolina Railroad did a little work; but where the money came from I do not know; I do know that many of the contractors have not been paid, or had not a month or two ago. Some small portion of the money may have been expended for a little work done on that line of road; but I do not know that any part of the balance has been expended for the purpose originally intended.

Question. What addition was made to the public debt with that professed object?

Answer. Really I cannot say just now. I think, however, that the old debt, including the accrued interest, &c., and bonds issued for funding the accrued interest, amounted in 1868 to something like $19,000,000; and, I think, the debt in 1870 amounted to about $38,000,000—an increase of very nearly $20,000,000. As to a part of that debt, the supreme court has pronounced unconstitutional the acts under which the bonds have been issued. I suppose that from $30,000,000 to $35,000,000 is the State debt of North Carolina—that part which is recognized as legal. I do not know exactly how much will be included in that decision of our supreme court.

Question. How do the people of your State look upon the legislation of Congress in regard to the southern country? Do they consider it to have been dictated by a spirit of hostility?

Answer. They do; that is, a large number of our people—the most intelligent portion of the people of our country—entertain that opinion. There may be some intelligent men who do not look at it in that way; but there can be no question about the fact that a large number of the best people of that country—the property owners of the country, the men representing the intelligence of the country—look upon that legislation as hostile in the extreme. The continued imposition of disabilities upon our best, our trusted men is regarded as nothing more than an effort to keep in position and place men of inferior talents, and to deprive the public of the services of men who could perhaps rescue the State governments from their present condition. Our best men are all banned. They cannot hold office; and the people think very strangely of it and very hardly of it. They cannot see any necessity for legislation which allows the humblest negro of the land to be Governor of the State of North Carolina, while such honest, true, and able men as Governor Graham, and a large number like him, are banned and cannot hold office.

Question. What has been the general course of the State officials brought into power in your State under the reconstruction acts, and what is the general impression of the people of the State in regard to them?

Answer. In the first place, there are, as a matter of course, (the fact is notorious,) a good many incompetent men filling various positions as officers of the State of North Carolina; secondly, we think there are a good many corrupt men occupying official positions. I have no hesitation in giving it as my opinion that our judge, George W. Logan, is a corrupt man. I think it is the universal opinion among the intelligent classes of the people that he is corrupt in several ways. I was about to give a while ago some instances of his official corruption—his partisan action as a judge.

He discharged Mr. Aaron Biggerstaff for an assault with a deadly weapon and with a deliberate purpose to kill, which was under our statute at that time a penitentiary offense. He was turned loose upon the community, and the people thought very strangely of it. Judge Logan has also discharged a number of colored men convicted of larcenies. At the last court in Rutherfordton which I attended there was a colored man convicted of larceny. I heard the testimony and I thought the case was about as plain as a case could be. But Judge Logan discharged the negro, telling him to go home and be a better boy. I may mention further, as showing the impression which is being created by his partisanship on the bench, that a year or a year and a half ago there were two men indicted in his court for an assault upon a very respectable citizen. The sheriff of Polk County, the first peace officer of the county, was indicted along with a man by the name of Bradley, residing in Rutherford. They were indicted for an assault upon a Mr. Waters. It was in evidence before the court that he had been assaulted with a slung-shot in the hands of one of them, and his head cut very severely in ten or twelve different places. The testimony of two respectable physicians showed that he was picked up in the street, carried into the house, and that his life was in imminent danger for three or four days. The defendants were of the same party as Judge Logan. One was fined $10, and the other $5. That was the punishment imposed for that assault committed by those two men—one of them the first peace officer of Polk County. In Cleveland County Judge Logan came down to our last term of court and had three respectable citizens indicted for an assault and battery upon a very disreputable character—a man admitted by the solicitor to be a very bad man. The facts brought before the court were about these: This man Hawkins, who was a very bad man, had gone to the house of one of the parties indicted, and in his absence had gone into the room of his wife; had cursed and abused her a great deal. She finally succeeded in getting him out, and he sat down on the piazza for about an hour, cursing and abusing her, and swearing he would kill her husband on sight. A day or two afterward her husband, a young man named Covington, came home. Hawkins came back to his house and wanted to quarrel about something that they had been talking about before. But Covington, being a man of delicate physical constitution, prevailed upon him to go off—would not fight him. Hawkins started away; but when he got outside of the inclosure he picked up a rock, threw it across the palings, and struck Covington in the forehead, rendering him insensible for several minutes, and wounding him very severely. A day or two afterward, Covington, going along the road, met his brother-in-law, Mr. Hord, who told him he had just passed Mr. Hawkins, who was about a mile behind him. Covington asked Hord to go back with him. They went back, attacked Hawkins, and whipped him pretty well. The facts were all before the court; that these parties were men of good character in that community, and that Hawkins was a very bad man in every respect. Judge Logan imposed a fine of $100 each on these parties. Hawkins was a member of his own party, and a republican. The other two were democrats. I could mention two or three other instances in my own county. One was the case of an indictment for retailing spirituous liquors without a license. The indictment was against a negro by the name of Wade Price, who was convicted of the offense, but was turned loose upon the country on the payment of costs, no punishment being imposed. Another case was that of a young man named Hendrick, a one-legged confederate soldier, who was indicted for the same offense. The facts brought out before the court were, that the man had sold a pint of corn whisky without a license from the State. The judge insisted, for some time, upon imposing a fine of $25 on that man and imprisoning him for thirty days; but I, as counsel for the young man, called the judge's attention to the fact that at the term before he had turned loose upon the country a negro who had committed the same identical offense. The judge then did not impose the fine and imprisonment which he was at first inclined to do.

There have been frequent instances of that kind of partisan partiality. The country generally believes, and I think every member of the bar believes it—I do not know one who does not—that Judge Logan's partial, partisan course has been the cause of a great many of the difficulties in that country. As I stated awhile ago, if Mr. Biggerstaff had been punished for his assault upon his half-brother, I have no idea in the world that the assault would have been made upon him. But the people have been made to believe that the judiciary of the State is a one-sided matter entirely; that it is a judiciary for the purpose of punishing one side and protecting the other. That is the general impression among intelligent classes of men with regard to a part of our judges. I do not include in the charge all the judges of the State. Judge Mitchell, for instance, is, I think, an honest man and a good judge. Judge Henry, I think, is doing well. Judge Mitchell is a democrat, Judge Henry a republican. Judge Henry is a native of North Carolina, a young man of talent, and, I think, a fair judge. I do not pretend to include all the judges in the charge I make, but I do charge that in Judge Logan's district, including Cleveland, Rutherford, Gaston, &c., all these difficulties have, in my opinion, originated from the fact that the common people have believed the laws could not be executed, and that justice could not be had in the courts.

In the case of the rape committed upon that girl of fourteen years of age, I was not myself present at the court in Gaston County on the occasion of the trial; but I obtained information in regard to the case from intelligent gentlemen who heard the evidence. The negro was convicted by the jury, and the law required that he should be hung; that was the sentence by law for that offense. But about the time the sentence should have been executed Governor Caldwell respited him, and it is believed he will finally be pardoned. I do not know what is the intention of the governor in the matter, but the newspapers think that there will be a pardon.

Question. How has the pardoning power been exercised by Governor Holden?

Answer. We think it has been exercised very partially. We think that Governor Holden has been partial in the administration of the executive office. I recollect two instances in which negroes, members of the League and of the republican party, were sentenced in Henderson County to the penitentiary for ten years by Judge Henry; and at the same time a white man was sentenced for five years. The three prisoners were taken by the sheriff of Henderson County through the little village of Shelby, in which I reside, on their way to Raleigh to the penitentiary. They had been gone only three or four days when the negroes came back. The white man was put in the penitentiary; the negroes were discharged, I understood, before being put in at all; they were pardoned immediately upon their arrival at Raleigh. They came back through Shelby and boasted to the negroes in the town, as I was told by an intelligent gentleman who heard them, that Mr. Holden was their friend, and they were not afraid of going to the penitentiary; that the other negroes need not be; that they had been pardoned, and that the others need not be uneasy. I really cannot tell the number of pardons granted to convicts by Governor Holden; but the number is very large.

Question. Sufficiently large to impress the public mind with the apprehension that the men of his own party could not be punished?

Answer. Yes, sir; that they could not be punished even if convicted and sentenced in the courts. The people have that idea—that as to those of the governor's own party, whatever sentence may be imposed upon them for their crimes, it will not, in most cases, be allowed to take its course.

Question. In regard to Judge Logan and his administration of the law, there has been some testimony before the committee as to his disbarring a gentleman by the name of Schenck; were you present on that occasion?

Answer. No, sir.

Question. Have you heard the facts in relation to it?

Answer. Yes, sir, I think I am acquainted with the facts. Mr. Schenck had written a letter to yourself, [addressing Mr. Blair,] which gave rise to the proceeding, I think; a letter in which he had denounced Judge Logan, &c. The judge ruled it to be a contempt and disbarred him from practice, and finally made the rule absolute or perpetual, in the face of the statute, which shows very plainly that he had no such power.

Question. The statute, I understand, prohibits such an order by a judge under such circumstances, where the language used by the attorney was not uttered in the presence of the court?

Answer. I think the statute provides that no attorney shall be disbarred from practice unless convicted of some crime or offense by a jury. I think that is about the substance of the statute.

Question. Was this statute brought to Judge Logan's attention?

Answer. Yes, sir. I was informed by Mr. Wilson, of Charlotte, a prominent lawyer, that he read the statute to the judge before the rule was made absolute.

Question. But the judge disregarded the statute and disbarred Mr. Schenck?

Answer Yes, sir. The supreme court, however, has since overruled Judge Logan's proceeding, and has restored Mr. Schenck to practice.

Question. How is it in your State in regard to the punishment of negroes by the courts for their crimes?

Answer. I have known very few cases in which negroes have been punished in that country since the new constitution of the State was ratified.

Question. Those convicted resort immediately to the governor for respite or pardon?

Answer. Yes, sir. Frequently, if convicted, they are allowed to go at large upon the payment of costs or something of that kind. It has been so in a great many instances for the last two or three years; and the impression is general, that if a negro is convicted of an offense the penalty imposed by the court will be very light, if any, and that even if sentenced the governor of the State will pardon him.

Question. We have had evidence before us from two or three witnesses from Rutherford County, who profess to have been members of the Ku-Klux order as it is called, who stated that they had made confession before the judge there, and were sent up there to reiterate their statements going to establish the fact that there was an order known as the Ku-Klux, or Invisible Empire, or by some other name, and that its object was political—to prevent negroes from voting, or compel them to vote the democratic ticket. Do you know anything of the character of those parties who are said to have made this confession in your county?

Answer. I do not know what men have been here. I know some of the parties in the county who I have heard have confessed.

Question. Do you know John B. Harrill, Marcus M. Wells, and James L. Grant?

Answer. I know Harrill and Wells. They are not intelligent men by any means, so far as I know. I think they are common farmers in the country—poor men. I do not know what they have stated here.

Question. They stated, generally, that these organizations have been in existence; that they are secret organizations, and oath-bound; that there were seven or eight dens in Rutherford County; that there were some thirty or forty members in each den; that the objects of the organization were political; but they admitted that a number of persons who belonged to the order have been republicans—voted the republican ticket at the last election.

Answer. I know of no such organization—no political organization.

Question. Nothing of the kind?

Answer. No, sir.

Question. Do you believe there is any organization of the description spoken of, the object of which is to control the politics of the county?

Answer. I do not believe there is any such organization. If there is I know nothing of it.

Question. What motives could these parties have had for making such a confession and declaration?

Answer. I do not know what motive. This man Harrill I understood was implicated in that raid upon Mr. Justice, at Rutherfordton, and upon the Star printing office; he ran away and went to Georgia; his father went to Rutherfordton to see Judge Logan about the matter, (so I have been reliably informed,) and Judge Logan told his father to tell the young man that if he would come back and make a confession to him—tell what he knew about that raid, and all that he knew about any organization that might exist, the judge would see that the young man was not punished; or that if he were he would go along and be punished with him. That is what I was told by an intelligent gentleman who talked with the young man's father. The father then wrote to the young man to come back. He did come back, and, as I learn, went up and made some confession.

Question. Do you know Wells?

Answer. I barely know him. I have seen him, but know very little about him. I do not know much about the character of either of the men. Mr. Carpenter, the editor of the Star, made a declaration the other day to a very respectable gentleman, that he would not believe on oath any of the parties who had gone there and made those confessions. He stated that himself to a citizen of my town, who had gone up there in the case of one of his brothers who had been arrested. What the character of Harrill and Wells may be I do not know. I know they are both poor men; but aside from that I know but very little about them.

Question. The testimony of those two men has not yet been printed, but, according to my recollection of it, either one or both of them implicated you as being the chief of this organization in the county of Cleveland.

Answer. So I was informed from this city. That brings me to a point I am glad to get at. That statement has been made before in this city. Mr. Pool, I understand, made last winter a declaration to a friend of mine, who was in Washington, that I was the chief of the Ku-Klux in that country. It has been so stated in the newspapers. I am informed by friends throughout the State, on the republican side, that it is a general impression. It is a matter of such small account to me, so far as I am personally concerned, that I have not considered it necessary heretofore to notice the charge at all. But inasmuch as I can now set the matter right in a legal way I am very glad to do so. The whole thing, from beginning to end, is a falsehood. I am not the chief of the Ku-Klux organization, or any other secret organization, or any organization. Those who so state state what is positively false, and in some cases maliciously false. I understand that Mr. Eaves and Mr. Justice state the same thing.

Question. I think that Mr. Justice's testimony is to the effect that it was believed you were a prominent man in that organization.

Answer. I do not know exactly what they state, but I am informed that Mr. Eaves has so stated.

Question. Yes, sir, I think Mr. Eaves so stated; and probably I have been in error in saying that it was Harrill who did so; but I am pretty certain that such a statement was made by one of those parties who had made confession that they belonged to the order. And I am pretty certain that Mr. Justice and Mr. Eaves both alluded to it; but I think their testimony was only to the effect that it was so understood. I think Mr. Justice said it was understood you were the chief in the county of Cleveland.

Answer. I heard that Mr. Eaves had sworn positively to that. I am glad to know how the matter stands.

Question. I think that Eaves said that some parties had made confession and implicated you, and Justice said that it was believed you were a leading man in the order.

But these two parties who made confession stated distinctly, I believe, from their knowledge of the organization, that you were the chief.

Answer. Well, sir, I am not the chief of the Ku-Klux. I am neither the head of it, nor any part of it; nor am I the chief of any other secret organization, or any part of it. I am surprised that Mr. Justice should say such a thing. He ought to have known better. But so far as Mr. Eaves is concerned I am not at all surprised.

Question. Do you suppose that those confessions implicated a great many other gentlemen who were no more connected with the matter than yourself?

Answer. I really do not know. I do not know whom they have implicated. The matter stands just this way with me, as those men at Rutherfordton know: I am a decided man in my political course, and I do not hesitate to defend as an attorney whoever calls upon me to do so. It has been given out in Rutherfordton that the parties who signed the bonds of these men were in danger. That has been talked there by the deputy marshal of the United States; that their houses would be burned and their property destroyed if they signed the bonds of these men who are accused, many of them accused innocently, though some perhaps are guilty. It has been given out furthermore that lawyers who would defend the parties might get into trouble. I am engaged for a great many of them, and I know very well the feeling. While Judge Logan and myself are personally friendly, and while Mr. Eaves and myself are also personally friendly, yet I know the political feeling which they have in this matter. They would like very well, I have no doubt in the world, to bring difficulty upon me in that way, if they could; to fix the responsibility for these things upon me.

Question. Apart from public rumor and from the transactions to which you have referred—the Biggerstaff case and others—do you know of any secret organization in your State?

Answer. At this time?

Question. Yes, sir.

Answer. No, sir; not at this time. I know of an organization which did exist in that State.

Question. What was that organization?

Answer. It was an organization for mutual protection and defense.

Question. What was the ground which led to the formation of that organization? What was its object and purpose?

Answer. I do not know what was the original purpose of those who organized it; in fact, I do not know who did organize it. I know very little about it. In 1868 the legislature, at its first session under the new State constitution, passed what people generally believed to be a very objectionable militia bill. It gave the governor power, I believe, to receive six regiments of infantry, and three of cavalry—volunteer forces, to be paid out of the treasury of the State—whenever in his judgment necessity demanded the calling out of that number of men; and to detail any number of militia that he might see proper to operate in the State, whenever he thought necessary. It was something after the plan of Mr. Brownlow's militia in Tennessee. It was believed that if this militia force was organized, most of the militia men would perhaps be negroes, and would commit many depredations upon the country. We did not know at that time whether Governor Holden would attempt it or not. But it seems that he afterwards did so. The legislative address, of which I have already spoken, had just been issued—in the summer of that year, 1868. About the latter part of 1868, or the beginning of 1869, I knew of the existence of an organization for mutual protection and defense, in case it should be necessary. The negroes in my county had three places where they were meeting at night and drilling. One place was their League-house. They were stationing their sentinels on the highways (so respectable citizens stated; I did not see them myself) and were halting white people on the roads, and causing them to pass around—not allowing them to go by. In the extreme northern part of my county, where the republican vote is strongest—in fact, about the only place where there are many republicans in the county—the negroes had another place of meeting; and in the town of Shelby, in which I live, they had a place where they were meeting and drilling at night. The people were alarmed. They did not know what the result would be. They did not know with what object the negroes were carrying on these operations. They thought that the lessons which the negroes were being taught in the Leagues were leading them on; and they did not then know what the League organization meant. About that time I was approached by several gentlemen and told of the existence of an organization for self-protection and self-defense. The obligation was to support the Constitution of the United States and the constitution of the State of North Carolina, to protect each other, and to protect the women and children of the country in case of necessity, and (I forget it almost now) to vote for white men for office. That is about the substance of the obligation which members were required to take; I do not know that those are the precise words.

Question. You say that this organization took its origin chiefly from the fact that those meetings of the Leagues were being held, and the blacks were drilling?

Answer. Yes, sir; the organization had been in existence in that country some four

or five months before I knew of its existence; where it came from I do not know; and I know very little of its existence since; in fact, since the passage, not of the congressional laws, (because they have nothing to do with it,) but of the law of the legislature of North Carolina, making it criminal for any secret organization to exist, I have not heard of it; nor in fact for a long time before. So far as regards the idea that these outrages upon negroes have been committed by that organization, it is in my opinion preposterous; I do not know any member of that organization who has committed or advised such outrages.

Question. Are not the laboring white men of the country far more jealous of the privileges which have been granted to the negroes than any other class of the people?

Answer. They are the ones who are jealous; of course, there is no necessity on the part of the higher and more intelligent classes for that jealousy toward the negroes which exists between the poor white man and the negro; but there is a feeling among the poorer classes of the white men that they and the country would be a great deal better off if the negroes were entirely out of the country; and they would unanimously vote for colonizing them, or anything else to get them away, simply because they believe and declare that they and their families are the sufferers. As to the commission of rapes and things of that kind, the wealthy and more intelligent classes do not, of course, feel under the same danger as do the poorer classes of white people in the country. It is only among the poorer classes of white people, as far as I have been able to learn, that any jealousy or hatred toward the negro race is entertained. I know that the negroes are treated kindly by the more intelligent and wealthy portion of the community; there is no disposition to treat them in any other way.

Question. Has not this jealousy always been stronger between the laboring class of the white people and the negroes than between any other classes?

Answer. Yes, sir; there is no doubt about that; I do not know of any jealousy or hatred on the part of intelligent, wealthy men toward the negroes; on the contrary, the negroes in that part of North Carolina with which I am familiar are treated kindly and humanely, so far as I know; but I do think that the common white people of the country are at times very much enraged against the negro population. They think that this universal political and civil equality will finally bring about social equality; in fact, it is commencing to do it already in that country; there are already instances in the county of Cleveland in which poor white girls are having negro children. Such things as these are widening the breach between those two classes of our population. The white laboring people feel that it is not safe for them to be thus working in close contact with the negroes.

Question. Is an election pending in your State now?

Answer. Yes, sir.

Question. For a constitutional convention?

Answer. Yes, sir.

Question. What is the purpose of the democrats in urging such a convention?

Answer. To simplify our constitution; to get it back, if we can, to something like what it has been, and to adopt some measures which may relieve us from the expense which is now eating out the substance of our people, grinding them to the earth with taxation.

Question. Has not your code been entirely changed?

Answer. Yes, sir; I do not think there is a lawyer or judge to-day in North Carolina who knows what the law is. In fact, all with whom I have talked acknowledge that they do not understand the law of the State in its present condition, and cannot understand it.

Question. On account of the bungling manner in which your constitution and laws have been framed?

Answer. Yes, sir. We have had some very inconsistent provisions in our constitution which the supreme court itself has thus far failed to reconcile. The constitution was ratified under peculiar circumstances. Some parts of it are very good and ought to be retained, but the expense which it entails upon the State will be ruinous if it goes on, provided the legislature conforms to the requirements of the constitution, under which the interest on the public debt must be promptly met and the debt itself discharged at maturity. That cannot be done; it is impossible. There is a provision in the constitution which requires that to be done—which does not allow the debt to be compromised, or anything of that kind. It is a matter of impossibility for the people of North Carolina to comply with those requirements. We owe one-third of all we are worth—a little over that, I believe, according to the assessed value of the property. In addition to that, we have a large amount of back interest to pay, and the interest upon our public debt will be, I suppose, hereafter, $2,000,000 annually.

Question. What was the expense of your State government before the war?

Answer. It was, I think, from $100,000 to $200,000, annually.

Question. In what respects have the expenditures of the State government enlarged?

Answer. In so many respects that I can hardly tell you; I really do not know. Our State officers, you know, have been considerably increased in number—both judicial

and executive officers; and the salaries of almost all of them have been increased—of all of them, so far as I know. I believe Governor Worth administered the State government in 1867 for about $210,000.

Question. That did not include the interest on the public debt?

Answer. No, sir; that was simply the expenses of the State government. During the first year of Governor Holden's administration, under the new constitution, the State government cost, I think, about $760,000.

Question. That did not include the interest on the public debt?

Answer. No, sir, only the State expenses. From $700,000 to $750,000 is considered to be now the current expense of carrying on the State government for one year under the present constitution. I think that last year the treasurer reported that $700,000 would be required for the current expenses of the year, and I think that Governor Holden recommended that that amount of tax be levied. The taxation for State purposes before the war was, I think, from ten to twelve cents on each $100 valuation of property. This year, as I am informed by a member of the legislature—I have not read the revenue bill—the rate is fifty-two cents on each $100 worth of property—thus making about five times as much as the former taxation for State purposes.

Question. Does that include the taxation for school purposes?

Answer. I reckon it does.

Question. Have you any school system?

Answer. Yes, sir; we have a school system, but a very bad one; it has worked very badly.

By the CHAIRMAN, (Mr. POOL:)

Question. How many outrages committed by disguised men have you heard of in the county of Rutherford within the last twelve months?

Answer. Really, I cannot say how many. I have heard of a number of outrages; I do not know whether they have been committed by disguised men or not. Some I suppose have.

Question. Did you hear that they were committed by bodies of men in disguise?

Answer. I have heard that in some cases; and sometimes I have heard that they were not disguised.

Question. Have you heard that it has been common in the county of Rutherford within the last six or eight months for persons to be whipped by men in disguise?

Answer. Yes, sir; I have heard frequent instances of that.

Question. Have you heard of these disguised men going to persons' houses at night and in numbers?

Answer. Yes, sir.

Question. Have you heard of the same thing in the county of Cleveland where you reside?

Answer. Not within the last six, eight, or ten months. I do not think there has been anything of that kind there since last fall. I do not think I have heard of anything of the kind since about Christmas. About the first of January or the last of December I heard something of the kind.

Question. How was it previous to that?

Answer. There were some such cases previous to that.

Question. Many?

Answer. Yes, sir; I suppose they would, in all, amount to a considerable number; I really do not know how many I have heard of, and I do not know how many to say; but I should say I had heard of twenty-five.

Question. You mean you have heard of twenty-five men taken from their houses and whipped?

Answer. Men and others; there were two or three women.

Question. Was it the habit of these men in disguise to go at night to the houses of these parties, take them from their beds, and scourge them?

Answer. I do not know whether they took them from their beds; I only heard that they were whipped at night.

Question. At their own houses?

Answer. Yes, sir; at or about their own houses, and in other places.

Question. Do you think that twenty-five cases in Cleveland County would cover all?

Answer. I do not know; I think that it would. I think that is as many as I have heard of.

Question. Have you heard of the burning of any school-houses in Cleveland County?

Answer. I heard of one case of that kind about 1867. That is the only one I recollect in Cleveland County.

Question. You have heard of none since?

Answer. No, sir; I do not think I have heard of any burning of school-houses since. There was a school-house burned in Cleveland in 1867.

Question. Have you repeatedly heard of bodies of men in disguise riding at night in your county?

Answer. Repeatedly heard of it?

Question. Have you heard of their doing it repeatedly?

Answer. I have heard of their doing it at the times when these parties were whipped. I have never heard of their riding except at the times when I heard of parties being whipped.

Question. Do you know any of the parties who were engaged in this business?

Answer. No, sir; I do not. I have some knowledge, as an attorney, in regard to those men who are indicted, which, of course, I cannot disclose.

Question. You mean indicted in the United States court?

Answer. Yes, sir.

Question. A few weeks ago in Raleigh?

Answer. A few weeks ago—about two months ago.

Question. You have no knowledge outside of that of the parties engaged in these operations?

Answer. No, sir.

Question. Do you believe that these outrages were committed in pursuance of an organization in the county?

Answer. No, sir; I do not believe they were committed in pursuance of an organization; but I believe they are being committed by a class of citizens who feel that if the negro is allowed to go on as he has been going, and is still encouraged to do as he has been encouraged to do, they will be the sufferers.

Question. Has not the conduct of the colored people in your county within the last year been good?

Answer. Some of them have behaved very well, and some have not; it is there like it is everywhere else, I suppose.

Question. Do they behave on the average as well as the whites?

Answer. No, sir; they have not done so; and they never do anywhere, so far as I know.

Question. Have you heard of outrages of this kind in Lincoln County?

Answer. No, sir; I have heard of very few outrages in Lincoln County, so far as I recollect. Last summer, about the time Governor Holden was inaugurating his militia movement, I saw a letter published in which it was stated that a number of outrages had been committed there; and I have heard it talked about among members of the bar.

Question. How many such cases would you suppose have occurred in the county of Lincoln within the last twelve or eighteen months?

Answer. I cannot tell anything about it. I do not know that I have heard of more than two or three; perhaps more than that have occurred.

Question. Have you heard of cases of this kind in the county of Gaston?

Answer. Not within the last twelve months, or, I will say, within the last nine months. A year or two ago I heard of some outrages in Gaston.

Question. Lincoln and Gaston Counties adjoin Cleveland?

Answer. Yes, sir.

Question. Have you heard of any cases in Catawba County?

Answer. Yes, sir; I heard of one case in particular that I recollect, where a man named Andrew Ramsour was whipped.

Question. How many other cases have you heard of in the county of Catawba?

Answer. None that I recollect.

Question. The county of Cleveland adjoins Spartanburgh County, on the South Carolina line?

Answer. Yes, sir.

Question. How far do you live from the line?

Answer. About ten miles.

Question. Have you heard of any outrages of this character committed in Spartanburgh County?

Answer. I have heard that there have been outrages, but I do not know of any particular instances or individual cases.

Question. Outrages committed by men in disguise?

Answer. That is what has been reported.

Question. How many do you suppose have been committed?

Answer. I say that I have not heard of any particular instances; I have only heard that there have been some; I cannot say how many. I do not go to that county very much. In fact, I have not been in the county for several years.

Question. Has there ever been in your county an organization known among its members, or designated by parties who are not members, as the Ku-Klux organization?

Answer. I do not know that there has ever been such an organization. The only organization there has been there that I know anything about is the one I spoke of a while ago. Of course the Ku-Klux organization is spoken of there as it is all over the South, but I do not know anything about its existence.

Question. Do you know of any organization known as the White Brotherhood?

Answer. No, sir.

Question. Do you know of any known as the Constitutional Union Guard?

Answer. No, sir.

Question. Do you know of any commonly designated as the Invisible Empire?

Answer. Yes, sir; that is the one I spoke of a while ago; at least that is what it was said to be at the time I became a member of it.

Question. You are then a member of what is known as the Invisible Empire?

Answer. I was. I joined it the latter part of 1868 or beginning of 1869; I forget which.

Question. Where did you join it?

Answer. At Shelby, my own town.

Question. Was it in January, 1869, that you joined it?

Answer. I think it was somewhere along there; I really cannot tell exactly when it was. It was some time after the address to which I referred came out, and after the passage of the militia bill by the legislature. It was in the winter time, and I think it was somewhere about the beginning of 1869; but I am not sure.

Question. You were told the organization had been in existence in your county four or five months before you joined it?

Answer. Yes, sir; three, or four, or five months. I cannot tell exactly how long

Question. Who told you so?

Answer. Colonel McAfee.

Question. Is he a member of the order?

Answer. Yes, sir.

Question. Is Mr. Lee, your law partner, a member of the order?

Answer. I think he is; I think he told me he had joined it. I do not know anything about it except what he told me.

Question. What obligation was taken by members of the organization?

Answer. I stated that a while ago, but I can restate it. It was to support the Constitution of the United States and the constitution of the State; to protect each other, so far as possible, whenever necessary; to protect the women and children of the country; and to vote for white men to office. That is the substance of it.

Question. Was there anything in the obligation about putting down the radical party?

Answer. No, sir; nothing that I ever heard of.

Question. Was that obligation administered in the form of an oath?

Answer. Sometimes it was, I think, and sometimes it was not. I think I took it in the form of an oath; but I think it was sometimes administered just as an honorable obligation.

Question. Was there any verbal explanation given of the obligation, outside of its terms?

Answer. Yes, sir; there was something of that kind; but I really do not know now what it was.

Question. Was it explained that you were to support the Constitution of the United States and that of North Carolina as they used to be?

Answer. No, sir; nothing of the sort. The object of the organization as I understood, and as I know, was the mutual protection of the people.

Question. Was any colored man a member of that organization?

Answer. I do not know that there was.

Question. Did you have any by-laws?

Answer. No, sir, none that I ever heard of. The truth is I know but very little about the organization. I never was in but two meetings, I believe.

Question. Did that organization extend to any other county?

Answer. I expect it did. I do not know that it did. I have heard that it did.

Question. Have you heard that it extended generally over the State?

Answer. No, sir. I do not know that I ever heard that. I do not know where it did extend or who originated it.

Question. Were the members bound to secrecy?

Answer. As to its existence? No, sir, I think not. I do not recollect that there was any such obligation of secrecy as to the existence of the organization.

Question. As to the membership, were you bound to secrecy?

Answer. I believe that was the understanding. I forget now, but I believe it was.

Question. Were you bound to secrecy as to its operations?

Answer. No, sir; I do not recollect any such instructions as that, and I do not think there were any.

Question. Did they have signs and pass-words?

Answer. Yes, sir, they had some signs; but I do not now recollect all of them. I might give some of them.

Question. Some of them have been given to us by other witnesses. I would like you to give them so far as you remember them.

Answer. There was a sign of recognition.

Question. What is that sign?

Answer. I think it was stroking the hair in this way. [Witness with his left hand strokes the hair above the left ear.]

Question. What was the answer?

Answer. The same thing, if I am not mistaken.

Question. Do you recollect any other sign?

Answer. Yes, sir; there was a sign, I think, by feeling the lapel of the coat.

Question. As if searching for a pin?

Answer. I do not know about the pin.

Question. Were the answers of those signs the repetition of them with the left hand?

Answer. The answers were something like the same.

Question. Do you recollect as one sign the putting of the hand in the pocket, leaving the thumb out, by which sign a member was to be recognized in a crowd?

Answer. I do not recollect that.

Question. Did they have any pass-words?

Answer. Yes, sir.

Question. They have also been given by other witnesses; and we would like to hear your account of them. Was "Avalanche" one of your pass-words?

Answer. That was a sign of distress, I think.

Question. Do you remember any other pass-words?

Answer. I do not recollect any others. The words "Our country" came in in some way, but I really do not recollect now in what connection or what form.

Question. Do you recollect that a person was hailed with the words, "Who goes there?" and the answer was, "A friend?"

Answer. I do not recollect that.

Question. Then the response was, "A friend to what?" and the answer was, "To our country."

Answer. No, sir; I do not recollect anything about the hailing part of it nor the answer "A friend." I do not think that had anything to do with the matter. I know it did not so far as I know anything about it.

Question. Do you recollect that one party was required to say, letter by letter, "I, s, a, y;" and the answer was, "N, o, t, h, i, n, g?"

Answer. I think that was in it in some way; but I do not know in what connection.

Question. Was this organization divided into different camps or dens in your county?

Answer. I do not know how many of them there were.

Question. But were there several of them?

Answer. There was one in the town of Shelby. Councils or clans I believe they were called.

Question. How many did that organization ever number in the town of Shelby?

Answer. I do not know.

Question. Do you know of no council or clan in that county save the one in the town of Shelby?

Answer. I have heard of others; but I do not know of any other.

Question. Was there a chief officer appointed for the county?

Answer. I have heard so; but I do not know who appointed him or how he was appointed.

Question. Who was the chief officer when you were admitted?

Answer. I do not think they had any chief officer when I was admitted.

Question. Did you occupy any office in the organization?

Answer. No, sir, nothing at all.

Question. One of the witnesses here stated that Mr. McAfee was said to be one of the officers in your county.

Answer. That may be so; I expect it is.

Question. You think it is probably true?

Answer. Yes, sir. But I know nothing of his appointment.

Question. Is he a member of the present legislature?

Answer. Yes, sir.

Question. Is he the chief of the county?

Answer. I think he is. I never heard him say so. I do not know who appointed him or how he was appointed.

Question. Do you know who was the chief who preceded Mr. McAfee?

Answer. I do not think they had any before him.

Question. Do you know who was the principal officer preceding him?

Answer. I do not. I think he was the first. That is my understanding.

Question. Do you think he continues to be the chief?

Answer. There is nothing of the organization now, as I have already stated.

Question. How long since it has been disbanded?

Answer. In the County of Cleveland I have heard nothing of the organization since February, I think. In February I believe there was a negro insurrection reported on the South Carolina border, and the council of Shelby was called together, I recollect, on the night that that insurrection was reported. It was reported, in fact, that there

were a number of negroes within twelve miles of our town. I recollect that the council was called together on that night.

Question. There has been no meeting of that council since?

Answer. Not that I know of.

Question. Has there been any meeting of any other council in that county since?

Answer. I do not know whether there has been or not.

Question. How long preceding that was the last meeting of that council in Shelby?

Answer. I do not know. I never attended but one meeting before that. I do not know that there had been any more than one.

Question. That was the meeting at which you joined?

Answer. I did not join at any meeting. There was no meeting at the time I joined.

Question. Does each one of the councils in your county have a chief?

Answer. I reckon so.

Question. Do you know who are the chiefs in your county or any of them?

Answer. No, sir, I do not.

Question. Have you not heard?

Answer. Yes, sir, I have heard.

Question. You can state with reference to these matters any information upon which you rely, as well as facts within your personal knowledge.

Answer. I have heard of two, but I do not know that what I have heard is true.

Question. What two persons have you heard of as being chiefs?

Answer. I have heard of a man named Nicholson and another named Hord as being chiefs in the county. I do not know anything about it.

Question. Did you hear this from a source upon which you rely?

Answer. I do not know now hardly how I did hear it. I just heard it talked.

Question. Is it commonly reputed among the members of the order that those men are chiefs?

Answer. I cannot say. I do not know that I ever heard members of the order say anything about it.

Question. Do you know any of the chiefs in Rutherford County?

Answer. No, sir, I do not.

Question. Have you heard who are chiefs in that county?

Answer. Yes, sir, I have heard; but really I do not know how I have heard it. I have heard that a young man named Mills was a chief, and also that Shotwell was a chief.

Question. Is the first that you name the editor of a democratic paper in Rutherfordton?

Answer. Yes, sir.

Question. Have the members of that organization at any time had disguises which they wore on occasions?

Answer. I do not know. I never saw any persons whom I knew to be members have disguises. I hear that parties in the country have had disguises in these whippin operations.

Question. Have you never seen one of these disguises?

Answer. Yes, sir, I have seen them. I saw one, I believe, at Raleigh the other day; and I saw a crowd of disguised men ride through our town one night—some ten or fifteen.

Question. When?

Answer. That was about the fall of 1869, I think.

Question. Do you know who they were?

Answer. I do not.

Question. Were they members of the Invisible Empire?

Answer. I do not know; I never inquired anything about them. I might have inquired, but I did not; and I do not know a man that was in the party.

Question. Do you know whether a part of the actual operations of this Invisible Empire, meeting in these camps or councils, has been to ride about in disguise?

Answer. No, sir, I do not know that.

Question. Have you ever heard that it was so?

Answer. The Invisible Empire?

Question. These clans or councils, whatever they are?

Answer. Have I heard that it is part of their operations to ride about in disguise?

Question. Yes, sir.

Answer. No, sir, I never heard that it was part of their operations.

Question. Have you heard that they ride in disguise?

Answer. Well, I have heard that parties ride in disguise; but I do not know that they were parties belonging to this organization.

Question. Have you not heard that they meet in council and consider and discuss propositions to inflict punishment on persons?

Answer. I have heard that from the opposite party and from people whom I do not know whether to credit with truthfulness or not. That is generally supposed; it is talked everywhere now—published in the papers and everything of that kind.

Question. You have never heard anything of that sort from persons who had been members of the Invisible Empire?

Answer. I may have heard it from some of them, but I do not know whom. I do not know that I can name a man I have heard it from.

Question. Did you ever talk with Mr. McAfee on that subject?

Answer. Yes, sir, I have talked with him on the question.

Question. Did you ever hear him speak of that particular matter?

Answer. No, sir.

Question. Did you ever hear him say anything about any of these rides in disguise?

Answer. No, sir, except in condemnation of them. I have heard him speak that way frequently; I know that he has opposed them openly and publicly. I have often heard him speak of the matter publicly and privately.

Question. Who is the chief of your State?

Answer. I do not know.

Question. Have you not heard?

Answer. No, sir. I have heard this man, that man, and the other named; but I really do not know anything about it.

Question. Some of the witnesses before the committee have named Mr. Hamilton C. Jones as the chief of the State?

Answer. I have never known anything about that.

Question. Did you never have a conversation with Mr. Hamilton C. Jones in which this matter was mentioned?

Answer. Yes, sir. Hamilton C. Jones is a member of the order. I know that. He told me that he was at one time, in 1867, perhaps. But if he was chief of the State I do not know it. I never heard him say so. I do not know who is chief of the State. I do not think there is a general organization throughout the State from what I have heard. Mr. Jones admitted he was a member of this organization in 1867—I think it was about that time.

Question. Do you mean he has admitted to you since then that he was a member at that time; or did he admit it at that time?

Answer. No, sir, I knew nothing about him at that time. He has admitted it since. I have heard him say time and again that he knew nothing about it now; I heard him say that a year and a half ago; and I am satisfied he does not.

Question. He admitted, though, that in 1867 he was a member of this organization?

Answer. Yes, sir.

Question. You think this organization was formed for the purpose of protection?

Answer. I know it, so far as my knowledge extends—for mutual protection, and for the protection of the country in case of emergency. I believed then, and everybody else did, that there would be emergencies which would demand it.

Question. You were a member of the legislature at the time you speak of?

Answer. Yes, sir.

Question. Do you know whether other members of the legislature at the time you were a member were members of this organization?

Answer. I do not know a man who was a member at the time I was. Colonel Jones is the only man that I ever talked to on the subject at all, so far as I now recollect.

Question. It has been disclosed in the evidence that on one occasion Mr. Strudwick, from Orange County, was a member of the organization.

Answer. I do not know how that is.

Question. Did you ever have anything to say to him on the subject?

Answer. I have talked to him generally about the difficulties in Orange County; but he never told me he was a member of the organization.

Question. Did he ever pass any sign with you?

Answer. No, sir, not that I recollect; I am sure that he has not. It has been reported in the papers that he was chief down there; but I do not know how that is. I think from what I heard that they had a local organization there in Orange County, and perhaps in Alamance, at one time.

Question. You have heard of considerable operations of disguised men in the county of Alamance?

Answer. Two or three years ago I did.

Question. Have you heard of the hanging of men?

Answer. Yes, sir.

Question. Have you heard of operations in the County of Orange?

Answer. Yes, sir; I think I heard of some barn-burners being hung there.

Question. You did not hear that this organization, the Invisible Empire, was connected with it?

Answer. No, sir.

Question. Did you hear of any colored persons being hung in Orange County by men in disguise?

Answer. I say I heard of barn-burners being hung in that county; I do not know by whom they were hung.

Question. You think that apprehension was created by the legislative address to which you have referred, and the suggestions it contained?

Answer. I know that it spread very great apprehension throughout the State.

Question. Was not that part of the address to which you referred an address to the white people?

Answer. Well, it is an address to the people of the State, I believe. I do not understand it to be an address to the white people especially. The part which was read by General Blair is, I think, very incendiary, and would have a tendency to produce very bad results.

Question. You said that the passage of the military bill to which you referred was another cause of apprehension?

Answer. Yes, sir.

Question. Was that what was known as the Shoffner bill?

Answer. No, sir; it was the first bill, the one passed in 1868. Shoffner's bill was passed afterwards.

Question. You did not have reference to the Shoffner bill?

Answer. No, sir. The Shoffner bill was a great deal worse than the first one.

Question. Has that bill, the first one, ever been repealed?

Answer. I really do not know. I believe the passage of the Shoffner bill repealed it. I am not sure whether the passage of the subsequent act repealed the first one or not, but I have an impression that it did.

Question. Is the present legislature a democratic legislature?

Answer. Yes, sir.

Question. Have you heard of any movement in the legislature to repeal the law to which you first referred as having created such apprehension in the State?

Answer. That legislature has repealed the Shoffner bill; and, as I said a few moments ago, I think the Shoffner bill repealed the first one, but I am not sure about it.

Question. If that be so, the present legislature, which is democratic, has in fact reënacted the former bill?

Answer. I do not know about that.

Question. If the Shoffner bill repealed the former act, and this legislature has repealed the Shoffner bill——

Answer. I say that I do not know whether the Shoffner bill repealed the first act or not.

Question. But if it did, then the repeal of the Shoffner bill would reënact the first one?

Answer. Provided there was not some other provision in the repealing clause.

Question. You have heard of no provision striking out the first bill?

Answer. No, sir; but I understand that the present legislature has repealed those obnoxious military acts. I do not know whether they were all repealed at one swoop or not, but that was the intention.

Question. You are not able to say whether the original act of which you complain is not now in force in North Carolina?

Answer. I complain of all; but I do not know whether that one is in existence or not.

Question. The Shoffner bill was passed as a supplement to the first bill?

Answer. I do not know whether it was supplementary, or whether it repealed the first bill.

Question. You think that the apprehension caused by the address of which you spoke and by the enactment of this military bill, was the foundation for the formation of this Invisible Empire, which was organized for mutual protection?

Answer. That and the drilling of the negroes, and the incendiary doctrines which were being circulated and impressed upon the minds of the negroes by the speakers of the republican party.

Question. You say that all these things taken together created the apprehension?

Answer. Yes, sir. There were three places in Cleveland County in which the negroes were drilling regularly.

Question. They were drilling under the original bill?

Answer. No, sir, they were drilling not under any bill; they met together voluntarily at night. They were not drilling under the State law. They had a right, I suppose, to meet and drill.

Question. Did the drilling of the negroes occur after the passage of this bill?

Answer. Yes, sir, certainly, it occurred all the time; and I have been informed they are keeping it up yet in the county of Cleveland.

Question. You say that that bill was passed in 1868?

Answer. Yes, sir, at the first session of the legislature which met in 1868.

Question. And the address of which you speak was issued in the summer of 1868?

Answer. About that time.

Question. How could these things have led to the formation of the Invisible Empire if Mr. Jones was a member of that organization in 1867?

Answer. I do not know how he became a member; but that was the reason he joined it. I thought it an excellent reason, and I think so yet.

Question. But if the Invisible Empire was in existence as early as 1867, and Mr. Jones was then a member of it, its origin could have had no connection with these things which occurred in 1868?

Answer. It had, I say, at the time we formed it in Cleveland. I think Mr. Jones said he was a member in 1867; I am not sure as to the precise date. Mr. Jones was talking with me about it last winter a year ago. I think he said it was in 1867 that he became a member, but I am not sure as to that point. I recollect, though, he told me that at the time he was speaking there was nothing of the kind in existence—as long ago as last winter a year ago.

Question. How long has this order existed in the county of Rutherford?

Answer. I do not know how long.

Question. You had heard of no operations in Rutherford County until twelve or fifteen months ago, when the McGahey case occurred? That was the first case you had of disguised men committing any outrage in the county of Rutherford?

Answer. It is the first difficulty I heard of. I do not know that they were disguised men. Mr. McGahey reported that somebody had gone to his house; I do not know that he reported that they were disguised. I do not know that I ever heard that.

Question. Have you any reliable information that this organization has existed in Rutherford County within the last six or eight months?

Answer. I think it has.

Question. You have reliable information that it has existed there within six or eight months?

Answer. Yes, sir, I think it has.

Question. Have you reliable information that it has existed there within the last three months?

Answer. No, sir.

Question. Have you reliable information that it existed there at the time of the spring term of the superior court in that county?

Answer. I think it existed then.

Question. Do you know whether any men were initiated at that time?

Answer. I think there were some. I know this: that there were a large number of outrages being committed on the South Carolina border.

Question. By men in disguise?

Answer. Yes, sir, that was reported. I recollect it being talked about there at the Rutherford court a great deal, and I think the order existed at that time.

Question. That was the last spring term?

Answer. Yes, sir.

Question. Was the last spring term in May?

Answer. It was in March, I think.

Question. You are a regular attendant upon that court as a member of the bar?

Answer. I go there sometimes, and sometimes I do not. My partner goes there almost all the time. I have been in politics a good deal, and am frequently away at the term of the court.

Question. You were there, though, at that term of the court?

Answer. Yes, sir.

Question. Did you know of any man being initiated during the time that court was in session?

Answer. Yes, sir, I think I did.

Question. Did you take any part in any initiation?

Answer. No, sir.

Question. Some of the witnesses here have mentioned your name in that connection.

Answer. I understand that Mr. Justice stated that I was there for that purpose. I advised the reorganization so as to control these difficulties at that time. I recollect that very distinctly.

Question. During that term of court you advised that there should be a reorganization?

Answer. Yes, sir, that there should be some organization to control those men who were committing these outrages on the southern border.

Question. Did you during that term of court see or converse with any one who was a chief of any Klan or den in that county?

Answer. Yes, sir, I conversed, I think, with young Mills.

Question. Did you converse with Mr. De Priest?

Answer. Which De Priest?

Question. I do not know his first name. Did you converse with any De Priest?

Answer. No, sir; I do not think I spoke to a De Priest on that subject. I know I did not.

Question. Did you have any conversation with Mr. Shotwell on this subject at that court?

Answer. Yes, sir.
Question. Is he a member of the order?
Answer. Yes, sir; he was then.
Question. Did he conduct the initiation?
Answer. No, sir; I do not think he did; I do not recollect that he did.
Question. How many persons were initiated during that court-week?
Answer. I cannot tell that.
Question. As many as fifty?
Answer. No, sir; I do not know of more than two or three, or three or four, who were initiated—not as many as ten within my knowledge.
Question. Did you hear that there were as many as from thirty to fifty?
Answer. No, sir; I never heard it, except in this way: Mr. Justice, I understand, has spoken of it about there in his public speeches.
Question. I meant from persons whom you suppose to be members of the order?
Answer. No, sir, I did not hear any such thing as that.
Question. Who conducted those initiations?
Answer. I really forget now who. There was a lawyer of my town, Mr. Cabaniss, who I think did what I saw.
Question. You mean what you saw at the Rutherford court?
Answer. Yes, sir; as well as I recollect I think he was the man.
Question. How old a man is Mr. Cabaniss?
Answer. I would say he is forty-five.
Question. Is he a member of the bar?
Answer. Yes, sir.
Question. How long has he been a lawyer?
Answer. Ever since I knew him. He is a brother-in-law of Judge Logan.
Question. Does he reside in your county?
Answer. Yes, sir.
Question. At Shelby?
Answer. Yes, sir.
Question. Did you witness any of the initiations by him?
Answer. I think I did; I am not sure, but I think I did.
Question. How many?
Answer. As I said a while ago, not more than three or four or five—something like that—not as many as ten.
Question. Where did they take place?
Answer. In the hotel.
Question. In Mr. Cabaniss's room?
Answer. I forget whether it was in Mr. Cabaniss's room or not; I believe it was.
Question. Did any take place in your room?
Answer. I believe some did.
Question. Was there an obligation administered in the form of an oath? I do not mean to ask whether there was an officer to administer the oath; I put stress on the word "form."
Answer. I forget whether it was an honorable obligation, or whether it was in the form of an oath.
Question. Did you hear the obligation repeated to the candidate during the initiation?
Answer. Yes, sir; of course I did if I was present.
Question. What was the substance of it?
Answer. Just about what I told you a while ago as near as I can recollect.
Question. Was it repeated from writing or print, or from a book of any kind?
Answer. No, sir; I never saw any writing or any book.
Question. Nothing was put down in writing or in a book?
Answer. I never saw it.
Question. Were the signs given to the men initiated?
Answer. I think so.
Question. Did you not hear of outrages in the county of Rutherford by disguised men after that term of court?
Answer. Yes, sir; after it and before, too.
Question. The second attack upon Biggerstaff was afterward; was it not?
Answer. You mean when he was on his way to Shelby?
Question. Yes, sir.
Answer. Yes, sir.
Question. Did the raid into Rutherfordton, when the Star office was attacked and Mr. Justice taken out, occur afterward?
Answer. O, yes, sir; that is a recent occurrence; not more than two months ago.
Question. You said that Mr. Cabaniss conducted some of these initiations?
Answer. Yes, sir.
Question. He was from the county of Cleveland?
Answer. Yes, sir.

Question. You spoke of Mr. Shotwell as being a member of the order?

Answer. Yes, sir.

Question. Do you know whether Mr. Shotwell was present when the raid was made in Rutherfordton upon Mr. Justice and the Star office; when a party went up there in disguise?

Answer. I do not know; but I have every reason to believe that he was not.

Question. What are your reasons for believing that he was not?

Answer. Simply because I believe he is a man of too much sense and judgment, and too much feeling for his brother man to treat Mr. Justice in that way. I have always found Mr. Shotwell to be a gentleman. He is a man of education, and, so far as I know, he is a gentleman. I know furthermore that Mr. Shotwell told me there at the court that he would use every exertion within his power to stop this matter in that county. Whether he has done it or not I do not know.

Question. Have there been any initiations in Cleveland County within the last six or eight months?

Answer. I have not known of one these two years.

Question. Have you heard of any?

Answer. No, sir, I have not heard of any.

Question. Why do you think this organization does not exist now in the county of Cleveland?

Answer. Simply because I have not known anything of its existence. I think if it did exist still, I would know it.

Question. Is Mr. Cabaniss an officer in the county of Cleveland?

Answer. No, sir, I do not think he is.

Question. By what authority did he conduct the initiations in Rutherford County?

Answer. I do not know that he really had any authority.

Question. Do the rules of the organization allow a private man, who holds no official position, to conduct initiations?

Answer. I do not know whether they do or not. I have never heard any rules about it. I never saw any rules. They certainly had no written rules; and I never heard of any instructions from any of the leaders in the matter in regard to that. I do not know how that is. I recollect that some parties in Rutherfordton desired me to initiate them, and I did not recollect even the obligation; and, furthermore, I did not know that I had any authority to do it. Mr. Cabaniss was present, however, and that was the way it was done.

Question. Did he initiate them?

Answer. Yes, sir; those were the same three or four or five—I forget how many—that I have spoke of before.

Question. They applied to you to initiate them in Rutherford County?

Answer. Yes, sir, at the time of the court. If Mr. Cabaniss holds any office in the matter, I do not know it.

Question. Why do you think the organization does not now exist in the county of Cleveland?

Answer. I told you a while ago that if it did I think I would know it; and under the recent act of the legislature, everybody, I think, is willing to give up such matters. That act requires the Leagues to disband, and, as a matter of course, everything in opposition to them.

Question. Had not that act been passed before your court in Rutherford?

Answer. No, sir, not that I know of. I do not know when it was passed. At that time I knew nothing of it, and I do not think anybody else did. The court was in the latter part of March; I really do not know the date of the act.

Question. At what time did your legislature adjourn?

Answer. In April, I think. I believe it was about the 1st of April. Colonel McAfee came to our court about the 10th of April; and I think he had been home from the legislature only a day or two.

Question. You spoke of this movement at Rutherford court being a reorganization. Was there any obligation in addition to that which had formerly been administered?

Answer. None, that I know of. I think the matter had degenerated, and that outrages were being committed by parties who had formerly belonged to it, and it was thought very important to stop them if they could be stopped. The truth is that most of the outrages committed were committed along the South Carolina border, and, I have every reason to believe, by men from South Carolina; that is, in the county of Rutherford. But, at any rate, they were being committed along the South Carolina border, in the eastern part of Rutherford County. Things seemed to be running riot; and it was thought necessary to stop the matter, and I advised it myself.

Question. Did this Invisible Empire exist in Spartanburgh County, South Carolina?

Answer. I do not know whether it did or not.

Question. Did you ever see any parties from there who belonged to it, or who conversed with you on the subject?

Answer. No, sir; I never have conversed with Spartanburgh men or York County men on the subject.

Question. Was Mr. Schenck, who was disbarred by Judge Logan, a member of this organization?

Answer. I think he is; I do not know.

Question. In what county does he reside?

Answer. In Lincoln County.

Question. You never heard it said by those who were members of the organization that he was a member?

Answer. I do not know that I have.

Question. Have you ever conversed with him on that subject?

Answer. I think he told me he was a member; but I am not sure about that.

Question. Did you understand that he was a chief in Lincoln County?

Answer. I do not know that I ever heard, except that I have heard Mr. Justice say so.

Question. You never heard it from Mr. Schenck himself?

Answer. No, sir; I do not know that I ever heard him say anything about being chief. I think he told me at one time he belonged to the organization.

Question. Was there any understanding in that organization that the members were not to resist process in the hands of the authorities?

Answer. I never heard any understanding about it one way or the other.

Question. There was nothing of that sort in the obligation—that they were to submit to process in the hands of an officer?

Answer. No, sir; nothing whatever of that kind in the obligation; I never heard of it.

Question. Was there anything in the obligation to the effect that you were to obey the commands of superior officers?

Answer. I do not recollect that. There were officers; but I do not recollect anything in the obligation about obeying the commands of superior officers.

Question. Or of any officers?

Answer. Or of any officers. I do not recollect that there was anything of that kind.

Question. Was there anything in the obligation to the effect that the decisions of the council were to be obeyed by the members?

Answer. No, sir; there was certainly nothing of that kind.

Question. There was nothing exacting obedience at all?

Answer. Obedience to the officers?

Question. Yes, sir.

Answer. Nothing in the obligation.

Question. Or obedience to the orders of the council, whatever they might be?

Answer. Well, there was an understanding that there were officers; but there was nothing of that kind in the obligation, that I recollect.

Question. I speak now of obedience.

Answer. We understood that there were officers, and that the private members were nothing more than private members, to be controlled, of course, by the officers in case of necessity; but I do not recollect about the obligation containing anything of that kind; I do not think it did.

Question. About how many members are there in the county of Cleveland?

Answer. I have no idea any more than you have, I reckon. The truth is, I have inquired but very little about it.

Question. Have you not heard it estimated by any one?

Answer. No, sir.

Question. Do you suppose there are as many as four hundred?

Answer. Really, I do not know; there may be; I cannot tell.

Question. How many do you suppose there are in the county of Rutherford?

Answer. I do not know that.

Question. Have you never heard the number estimated?

Answer. No, sir, except by Mr. Carpenter and other men up there. I understand they say they have the names of two hundred men.

Question. I spoke of information obtained from members of the order.

Answer. I have no information on that point.

Question. There has been no formal disbanding of the order in the county of Cleveland?

Answer. None that I know of.

Question. You have heard of no formal disbanding of it in any of those counties around there?

Answer. No, sir.

Question. If, then, the order was in existence six or eight months ago, why is it not in existence now?

Answer. Well, I think everybody understands that all secret orders are now prohibited by law; and I have heard nothing of it. There have been no meetings of it, or anything of that kind, except, as I told you, in January or February, when we were expecting a negro insurrection in South Carolina.

Question. That was at the time of the Chester riots in South Carolina?

Answer. Yes, sir; at that time, I recollect, a number of us were called together one evening, for the purpose of consulting and taking some action in the way of defense, in case it should be necessary.

Question. Were the men who belonged to this organization generally men of character and standing?

Answer. Some of them were, and, as in other societies, some were not.

Question. Do you know whether any leading men in the State of South Carolina were members of the order?

Answer. I do not know.

Question. Have you conversed with any of the leading men of the State, in the city of Raleigh, upon the subject?

Answer. I have not conversed in the city of Raleigh upon this subject with leading men, or with anybody else. I do not know that there is a man in Raleigh who belongs to it. I do not recollect ever conversing with anybody there about the matter at all. I have conversed with Mr. Turner in regard to it. He has told me, time and again, that he was not a member of any secret organization, political or otherwise.

Question. How long ago did you converse with Mr. Turner on that subject?

Answer. I have had conversations with him from time to time; at the Federal court down there, some time ago, we were talking about it.

Question. Did you speak to him about it in 1869, when you were a member of the legislature?

Answer. I think I did. I think I have talked to him about it frequently, from time to time.

Question. Did you disclose to him that there was such an organization?

Answer. I never did.

Question. Did you tell him you were a member of such an organization?

Answer. No, sir, not that I recollect. Indeed, I know I did not. I never told anybody that.

Question. Did you ever hear it intimated, in your conversations with men upon this subject, that it was supposed this organization would affect the vote of the colored people in any way?

Answer. No, sir.

Question. You never heard any such intimation?

Answer. There was no such intention that I ever knew. And so far as these outrages in that country are concerned, although there have not been as many democrats whipped in the county of Cleveland as republicans, there have been several. I have in my mind at least six or eight democrats who have been whipped.

Question. What are their names?

Answer. Samuel R. Oates is one.

Question. Was he the man who was whipped for treating his wife badly?

Answer. Yes, sir. He had abandoned his wife, I think, and was living with another woman. I never heard him say anything about it; but I have heard what he said in regard to it.

Question. Did he say they represented themselves as preachers, and whipped him?

Answer. I never heard that.

Question. What other democrat in that county has been whipped?

Answer. Mr. McIntire was whipped. I believe his name is William McIntire.

Question. When was he whipped?

Answer. I suppose it has been about a year ago.

Question. Was he a democrat?

Answer. Yes, sir.

Question. Has he voted the democratic ticket since?

Answer. He is understood to have done so. I do not know whetner there has been an election since or not. The whipping was some time along last summer.

Question. Had he voted the democratic ticket previous to that time?

Answer. Yes, sir.

Question. Was he a white man?

Answer. Yes, sir.

Question. Do you recollect any other democrat who has been whipped?

Answer. Andrew McCombs is another.

Question. How long since he was whipped?

Answer. I think it was last fall or the latter part of the summer; I forget which.

Question. Had he ever voted the democratic ticket before he was whipped?

Answer. Always, I think. I believe he has always been a democrat.

Question. What was he whipped for?

Answer. He was living in adultery with a negro woman. So he says they told him. He had been living in that way—had several children by the negro woman—and continued to do so. He had a sister, I think, living in the house with him, and she was very much annoyed; I understand she says so; and I believe she says she is glad that it was done.

Question. What was McIntire whipped for?
Answer. I do not know; I do not recollect that I ever heard what he was whipped for.
Question. Was he a member of the order?
Answer. I do not know whether he was or not.
Question. You have not heard that he was a member of the order?
Answer. I do not think I ever did.
Question. You have not heard that he was attacked for disclosing some of the secrets of the order?
Answer. No, sir; I never heard that. That is not true either. I think I heard it was a personal difficulty between him and some man by the name of Felmot.
Question. Was he whipped by a band of men in disguise?
Answer. I do not know whether they were in disguise or not. I saw Mr. McIntire, and I believe I heard him speak something about it; but I do not think he said whether the men were disguised; and I never inquired.
Question. How many did he say were present?
Answer. I do not think he told me; but I have an impression that there were five or six.
Question. You did not hear whether they were in disguise?
Answer. I do not think he said; I do not think I heard.
Question. Were the men disguised who whipped Mr. McCombs?
Answer. I think they were; I do not know; I never inquired into these particular cases as to whether the men were disguised or not.
Question. Do you know how many are said to have been present when Mr. McCombs was whipped?
Answer. No, sir, I do not know.
Question. Do you know of any other democrat in that county who has been whipped by men in disguise?
Answer. Yes, sir; there is a case I have heard of—I never asked the man himself about it; but I expect the report is true. The name of the man was R. M. Roark—a very strong democrat—as strong as any we have in that country.
Question. When did that occur?
Answer. It was said to have occurred last winter was a year ago. I never heard it from him; but it is commonly reported. It was a delicate matter, a thing I did not want to ask him about, and I never did so.
Question. Was he said to have been whipped by men in disguise?
Answer. I think so; I do not know that I ever heard, but I think they were disguised.
Question. How many are said to have been present?
Answer. I understood that the woman said there were six or eight; somewhere about that number. The allegation was—it came from the woman, I think—that he was in the house of a woman of disreputable character; and, in fact, the charge was that he had rather abandoned his own family. How the fact was I do not know; but he is considered to be rather a bad man in that respect.
Question. Was he a member of the Invisible Empire?
Answer. Not that I know of.
Question. You have not heard that he was?
Answer. No, sir; in fact I do not think he is. He lives in our town, and if he were, I think I would know it.

By Mr. BUCKLEY:

Question. Are those all the cases you know of where democrats have been whipped?
Answer. No, sir; there was a man named James Hamrick whipped in that county.

By the CHAIRMAN, (Mr. POOL:)

Question. Do you say he is a democrat?
Answer. He is understood to be.
Question. How long ago was he whipped?
Answer. Last fall or summer, I think.
Question. Was it done by men in disguise?
Answer. I do not know whether they were in disguise or not. I suppose so. I do not know that I ever heard.
Question. Did you hear how many were present?
Answer. I do not know that I did. He had seduced his sister-in-law—his wife's sister; and at the time of the whipping she was living with him in his own house in adultery. I understand that was the reason it was done. I know that he had been guilty of that indiscretion; at least it is commonly rumored, and I believe he does not deny it.
Question. How was he whipped; with whips?
Answer. I do not know how. I only heard of his being whipped. I have heard it talked of since.

Question. How was Mr. Roark whipped?

Answer. I do not know that.

Question. How was Mr. McCombs whipped?

Answer. I do not know how any of them were whipped. I do not know how one was whipped in the county—democrat or republican, black or white.

Question. You did not hear that they were stripped and whipped with sticks or limbs from trees?

Answer. No, sir; I do not know that I ever did. I do not recollect that I ever heard anything about that; I do not think I ever did.

Question. You say that a petition to the legislature was signed by members of the bar to get clear of Judge Logan at the next session?

Answer. Well, it is a recommendation that something be done. I forget the language of the petition.

Question. It is aimed at Judge Logan?

Answer. Yes, sir.

Question. Your legislature meets some time next November, does it not?

Answer. I think it is the third Monday of November that the constitution requires it to meet.

Question. Have you a term of the superior court of that district between now and then, a regular round of terms in that circuit?

Answer. Yes, sir; I do not know that the judge closes up before that time; I forget exactly when he does close up.

Question. Had Judge Logan made his movement against the members of this organization and taken part in having them arrested, before this petition was gotten up?

Answer. Those Biggerstaff men were arrested some time before.

Question. Judge Logan had made himself very active in endeavoring to prosecute men charged with these offenses, had he not?

Answer. I do not know whether he was very active; but he had issued bench warrants for about thirty or thirty-one men, and had bound them over to reappear before him at some subsequent day.

Question. That was before this petition was gotten up?

Answer. Yes, sir.

Question. Has he been very active since?

Answer. Really I do not know what part he has taken since. The United States commissioner, who resides in Rutherford County, has arrested a great many men and afterward issued warrants.

Question. Why could not the getting up of the petition have been delayed as well till the fall term of your courts?

Answer. Well, sir, I do not know why. Of course it could have been delayed. There was, though, an idea among the members of the bar that Judge Logan would resign; and he has been advised to resign by prominent republicans. The supreme court advised him to resign. Judge Pearson moved, in a meeting in Governor Caldwell's office at Raleigh, that Judge Logan be advised to resign. Mr. McCorkle, a prominent republican of Salisbury, told me in Raleigh, some time ago, that it was the intention of the individual members of the supreme court to advise Judge Logan to resign. Mr. Bynam, who is a very prominent republican in the county, signed this petition to the legislature; and so did General Barringer. It is the universal belief that Judge Logan is incompetent; and it is also, I think, the general belief that he is corrupt.

Question. Do you know that the reason the judges of the supreme court advised him to resign was because they believed he was in personal danger in traversing his district?

Answer. No, sir; I have never heard of that, and I have no idea it is so.

Question. What you have heard was from Mr. McCorkle alone?

Answer. I heard it from others. I heard either Mr. Phillips or Judge Merriman, one or the other, say that he was present when Governor Caldwell called a meeting of his friends in his office, and that Judge Pearson made a motion that Mr. Logan be requested to resign, as the best way of settling the difficulties in that part of the State. That was after this raid upon Mr. Justice and the Star office. It was the judge's opinion that he was partly to plame for that, and that his resignation would be the best thing to quiet the country. Hon. Thomas S. Ashe seconded the motion; but it seems it was not put and was not carried.

Question. That was a meeting composed of gentlemen summoned by the governor about equally from both political parties in order to consult?

Answer. Well, sir, he had invited a number of gentlemen; I do not know in what proportion politically; I do not know all who were there; I know that Judge Merriman, a democrat, was there.

Question. And Mr. Ashe was a democrat?

Answer. Yes, sir; he was another democrat who was there.

Question. Have you not seen it stated in the papers that quite a number of democrats were present?

Answer. Yes, sir; I saw it stated that several were, but there were more republicans than democrats, I think. The governor did, however, invite some democrats to the consultation.

Question. Has not much of this outcry against Judge Logan been because of his vigorous and determined action against these disguised men who perpetrate these outrages?

Answer. No, sir; there has been an outcry against Judge Logan ever since he has been on the bench.

Question. Has there not been an outcry against the judges of the State generally?

Answer. There has been against Judge Tourgee, Judge Watts, and others; I have heard them accused of corruption, &c.

Question. Have you not seen the judiciary of the State generally denounced in the newspapers?

Answer. Not all of them.

Question. Does not the leading organ of your party, the Sentinel, published at Raleigh, denounce all the judges, without making any exception?

Answer. Mr. Turner may say that we have a corrupt judiciary, or something of that sort; but I have no idea that he intends to denounce all the judges as corrupt, because I think I have heard him say that he had the highest respect for Judge Mitchell.

Question. Judge Mitchell is a democrat?

Answer. Yes, sir.

Question. The only democratic judge in the State?

Answer. I have heard Mr. Turner also say that he had a high regard for Judge Henry. Then there is Judge Buxton, who is certainly a man of some ability as a judge. But in a large number of districts the judges are incompetent men, as any man is obliged to know who has observed the course of affairs there since the reconstruction measures were passed. I have no doubt that in many cases they are not only incompetent, but corrupt. I have no doubt about it. It is the general sentiment among the people; in Judge Logan's circuit particularly it is the general belief that it is impossible to obtain justice there.

Question. Have you heard incompetency charged upon any of the judges of the supreme court?

Answer. I do not think I have heard incompetency charged upon them.

Question. Have you heard corruption charged upon the judges of the supreme court?

Answer. I have heard rumors time and again; that is all.

Question. Against what judge?

Answer. The matter was in this way: Some of those judges in the campaign upon the adoption of the constitution took the ground—in fact, those who favored the constitution generally took the ground—that in no case could the taxation of the State exceed $2 on each $300 valuation of the property. The constitution was ratified by the people upon that understanding. In 1869, at the summer term, I believe, of the supreme court, the question was made before that court (it arose in relation to some of these railroad bonds) whether, in any case, the legislature could authorize taxation exceeding $2 on every $300 valuation of property. The supreme court once decided that the legislature could not exceed that rate; but upon certain representations they reopened the case, and it was afterward decided that the legislature could go to any extent in order to raise funds to pay the interest on the bonds and the bonds themselves at maturity. It was rumored around that money had been the cause of the change; that money had been used upon the judges of the supreme court.

Question. From whom did you hear that rumor?

Answer. I do not know, sir. It was talked about there among the members of the legislature and others. I have heard it spoken of frequently; I cannot tell now by whom, but I know it was rumored. I recollect that Mr. Jarvis and myself conversed about it.

Question. Mr. Jarvis is a democrat and the speaker of the present house of representatives?

Answer. Yes, sir.

Question. Do you believe such a rumor?

Answer. Well, sir, there is something very strange about it. There are some matters which I heard of in New York afterward, which led me to believe that in the case of one or two of the judges it might be so. I do not charge that it is so.

Question. Are not the judges of the supreme court men who have heretofore held a high character in the State?

Answer. Yes, sir, so far as I know. Mr. Rodman, I believe, is the only one who has not. He has occupied a high position as a lawyer; but I refer now to his moral character.

Question. You mean his moral character before the war?

Answer. Yes, sir.

Question. Was he not a democratic lawyer in the State before the war?

Answer. I really do not know what his politics were before the war; I was a boy then. He was a democrat or a whig, I forget which. He is a republican now.

Question. You say that the judges held that the limit of two dollars tax on each $300 valuation of property might be exceeded in order to pay interest on the bonds of the State?

Answer. That was what the judges finally held, but it was distinctly understood at first that the decision was the other way. Judge Person, who is now dead, was, at the time of the first decision, in New York, as I have understood. He was one of the counsel of the Wilmington, Charlotte and Rutherford Railroad Company; and when he heard of the decision he telegraphed from New York to attorneys in Raleigh to have the case opened until he could get there, or to have the decision held up—not to allow the judges to deliver the opinion. When he got back to Raleigh the case was re-argued, and the decision of the judges was the other way.

Question. Was Judge Person on the bench before the war?

Answer. Either before or during the war; I believe it was before the war.

Question. Was he a democrat?

Answer. He was a democrat or a whig before the war. He acted with the democratic party up to the date of his death.

Question. Was he a man of high character in the State?

Answer. He was so considered.

Question. You do not suppose he would have any connection with bribing the court?

Answer. I do not know that he did; he was only acting, I suppose, as attorney in the matter. I do not know that there was any bribery used, but that was the impression.

Question. He was a practicing lawyer before the supreme court at that time?

Answer. Yes, sir.

Question. He was engaged in this case and desired to take part in the argument?

Answer. I do not know whether he was engaged or not in the case at first. As I understood, he was one of the attorneys of the Wilmington, Charlotte and Rutherford Railroad Company; but whether he had been in the case before I do not know.

Question. That company had for its president at that time Mr. Cowan?

Answer. I do not know whether he was president at that time.

Question. Is he a leading democrat in the State?

Answer. Yes, sir.

Question. You do not think he would have any connection with bribing the court?

Answer. No, sir, I do not think he would, from my knowledge of his character. I do not know whether he or Dr. Sloan was president of the road at that time. I forget when Dr. Sloan came in. I suppose that Dr. Sloan was in in 1869, as the reconstruction measures were carried into effect in 1868.

Question. You say that the decision of the supreme court was that the limit of $2 on every $300 valuation of property might be exceeded in levying taxes to pay interest on the bonds of the State; did not that decision relate only to the old bonds of the State?

Answer. I reckon not, because the question was in regard to some of these new issues.

Question. Was it not the decision of the court that the limit of $2 on $300 could be exceeded only in order to pay interest on such indebtedness of the State as existed prior to the adoption of the constitution?

Answer. I think not; I do not understand it so at all. I will state how I understand the decision. The constitution prohibits the legislature from making any appropriations to complete a railroad not commenced at the date of the ratification of the constitution. I understand the decision to be that all bonds issued for roads other than those commenced at the time of the ratification of the constitution were unconstitutional; that as to those bonds which were constitutional the legislature could levy tax to any extent in order to raise funds to pay the interest.

Question. Did you understand the supreme court to decide that the limit of $2 on $300 could be exceeded by the legislature for the payment of interest on any bonds or indebtedness of the State that had been incurred after the adoption of the constitution?

Answer. I understood the supreme court to decide that the legislature could levy taxes to any amount necessary, in order to meet the interest of the old bonds, and also such new bonds as are constitutional; but the court decided at the same time that some of the bonds issued to new railroads were unconstitutional. That is my understanding of the decision of the court.

Question. You did not understand it to be confined to the interest on the bonds or indebtedness of the State contracted prior to the adoption of the constitution?

Answer. No, sir, I do not so understand it at all. I have not read the decision lately, but I have no idea that that is the effect of it.

Question. Suppose it were, would it apply to the interest on any bonds about which there have been charges of fraud?

Answer. That is a legal question which I do not propose to discuss.

Question. I think it is a question of fact. I will put it in another form: have not all the bonds about which there have been charges of fraud been issued since the adoption of the constitution?

Answer. I think that is so.

Question. Then, if the decision of the supreme court had applied to the interest on the indebtedness of the State which had been contracted before the adoption of the constitution, that decision would not apply to the interest of bonds about which there have been charges of fraud?

Answer. I think it applies to all the bonds which have been constitutionally issued, whether old or new.

Question. But whether it does or not depends upon your recollection of the decision, which you have not recently read?

Answer. Not recently.

Question. That decision is printed in the reports and may be referred to in order to decide this question?

Answer. Yes, sir.

Question. You said there was some charge of corruption against Judge Watts?

Answer. I have heard it; many people believe it.

Question. You think that Judge Logan has been corrupt in some instances?

Answer. I think so.

Question. Those especially which you named?

Answer. Yes, sir, and others.

Question. Did you ever hear it charged against him that he had received money for any decision or official action?

Answer. No, sir, I never heard that charged.

Question. Did you ever hear that any other judge, save Judge Watts and Judge Logan, had been guilty of corruption by the reception of money for official acts?

Answer. I do not understand the word corruption to mean simply receiving money for official acts.

Question. Well, have you heard others charged with corruption?

Mr. BLAIR. If a judge allows his decisions to be governed by political bias, that is one species of corruption.

Answer. I have heard Judge Tourgee charged with corruption simply on that account.

By the CHAIRMAN, (Mr. POOL:)

Question. Simply that he was biased in his decisions by political preferences?

Answer. Yes, sir.

Question. That is what you mean by the charge of corruption when you make it against the judges generally, save those that you have named?

Answer. Yes, sir. I do not know that I have heard any others charged with receiving money to bias their judgment, or anything of that kind.

Question. What you mean, then, by charging them with corruption is that they were partisan in their decisions?

Answer. Yes, sir; they have carried their partisan prejudices on the bench.

Question. Did you ever hear the supreme court of North Carolina charged with partisanship in any of their decisions?

Answer. I do not know that I ever heard that charged against the supreme court.

Question. Cannot an appeal be taken to the supreme court if the circuit judges err in their construction of the law?

Answer. Certainly.

Question. Is the appeal a matter of right?

Answer. Yes, sir.

Question. It is not a matter of discretion with the judge?

Answer. No, sir.

Question. Did Judge Pearson concur in the decision to which you just now referred in respect to the power of the legislature to exceed the limit of $2 on $300 valuation?

Answer. I think he did not; I think he delivered a dissenting opinion.

Question. Did any other judge deliver a dissenting opinion?

Answer. I really forget about that now.

Question. You say that in the canvass of the spring of 1868, when the constitution was adopted, the republicans took the ground that the limit of $2 on each $300 valuation of property could not be exceeded?

Answer. That was the open, bold ground taken not only in the canvass but in the convention which formed the constitution.

Question. Did democrats deny the correctness of that ground?

Answer. I think they did.

Question. Was it universally denied by the democrats that the constitution meant any such thing as that?

Answer. So far as I understand, it was. It was, in my part of the State.

Question. Did you deny that it was the meaning of the constitution?

Answer. I think I did.

Question. Then you think that the decision of the supreme court to which you have referred is correct in law?

Answer. Yes, sir; I think the same now in respect to the construction of the constitution that I thought before it was adopted.

Question. Then you think that decision is correct in law?

Answer. Yes, sir; I think that under the correct reading of the constitution that decision must be right; otherwise the wheels of government must stop. One provision of the constitution requires that the public debt and the interest upon it shall be promptly paid; and if that decision is not correct, then under no circumstances could the government meet its obligations as required.

Question. Do democratic lawyers generally believe that the decision of the supreme court is correct?

Answer. I really do not know.

Question. Have you ever heard of any one of them doubting its correctness?

Answer. I do not know that I ever did; I have talked with them very little about it. But what I say is that the people were deceived in respect to that matter. They ratified the constitution believing that under no circumstances could they be taxed more than $2 on every $300 valuation. But since the adoption of the constitution the party that called upon them to ratify it has taken the other view.

Question. You mean that people of the State believed the republicans on that question, and not the democrats, in the canvass of 1868?

Answer. They see now that the true construction is just the opposite from what the republicans said.

Question. But the people in that canvass believed the republicans on that question, and not the democrats?

Answer. The republicans took the ground in the canvass that the limit of $2 on $300 valuation could not be exceeded; the democrats took ground that it could be.

Question. And you say the people ratified the constitution because they believed the ground taken by the republicans was correct?

Answer. Yes, sir; but it turned out not to be correct, according to the decision of the supreme court.

Question. Did you hear the evidence in the case in regard to firing into Samuel Biggerstaff's house?

Answer. No, sir; I only heard the circumstances from a brother lawyer.

Question. Do you recollect that Mr. Justice was of counsel in that case?

Answer. No, sir; I do not recollect who were the counsel besides Mr. Cabaniss. He defended the parties.

Question. What you heard was from Mr. Cabaniss?

Answer. Yes, sir.

Question. Was that the same Mr. Cabaniss who was a member of the Invisible Empire, and initiated men at the last Rutherford court?

Answer. Yes, sir.

Question. Was he of counsel for Samuel Biggerstaff?

Answer. No, sir; for Aaron Biggerstaff, at the time he was tried for the offense.

Question. Do you know Mr. Justice well?

Answer. Yes, sir; I know him pretty well. I served in the legislature with him. I have known him for three or four years.

Question. Is he a gentleman of good character?

Answer. Well, he is a gentleman of very good character, I suppose. He is a very bitter partisan; and he is a lawyer under the $20 system of our State. He has read very little law.

Question. Is he a man whose statements made upon his personal knowledge could be relied upon?

Answer. That, I think, would depend entirely upon whether he was interested as a partisan. Do you mean his statements upon oath?

Question. Yes, sir.

Answer. Yes; I would believe Mr. Justice on his oath, unless I knew he was biased in some way. He has, however, sworn to some things here that I am very much surprised at.

Question. You would think that any statement of facts in the Biggerstaff case as deposed to by Mr. Justice of his own knowledge, would be correct?

Answer. Unless contradicted by some better testimony I would think so. But, if I have been rightly informed, his statement of the Biggerstaff case differs from that of Mr. Cabaniss; and I would believe Mr. Cabaniss as soon as Mr. Justice.

Question. Mr. Cabaniss was not upon oath when he made that statement to you?

Answer. Certainly not.

Question. You have not heard the statement that Aaron Biggerstaff and the men with him did not fire at all; that they left McGahey and refused to go further with him when the firing took place?

Answer. I never heard that at all. That is not the way it has been told to me.

Question. Was any one indicted for going to McGahey's house on that occasion?

Answer. I stated a while ago that I did not think there had been any one indicted; but I think now that somebody was indicted—perhaps more than one. One, I think, was a man by the name of Amos Owens.

Question. Was any one of those parties ever punished?

Answer. I do not think the case has been tried. I recollect it was removed from Rutherford County to McDowell, where I think it is now pending.

Question. Have any parties been indicted in the State court of Cleveland or Rutherford Counties for going in disguise and committing those whippings of which you have spoken?

Answer. I recollect one indictment in Cleveland.

Question. State the case.

Answer. It is the case of the State *vs.* Alfred Newton and George Queen.

Question. When did that occur?

Answer. About a year and a half ago.

Question. Was the indictment in the State court?

Answer. Yes, sir.

Question. Are those two men republicans?

Answer. No, sir.

Question. Democrats?

Answer. Yes, sir.

Question. State the circumstances of the case.

Answer. They were accused of going to the house of an old lady and abusing her—taking her guns, &c. Alfred Newton submitted the case and was fined, I think, $25. Queen was convicted at the last term of the superior court, but appealed to the supreme court; and a new trial has been ordered, I believe, in his case.

Question. Were those men in disguise when the offense was committed?

Answer. I think they were charged with being in disguise.

Question. Was anybody else with them?

Answer. I think there were two or three other parties with them—I forget who. Newton and Queen were the only parties indicted. I think the old lady states that some other persons were at her gate.

Question. You have heard of no other indictments in those two counties?

Answer. Yes, sir; I have heard of others in Cleveland. One is the case of the State *vs.* Harmon and others, the defendants being about half a dozen young men.

Question. When was that indictment found?

Answer. A year and a half ago; perhaps two years ago.

Question. What were those parties charged with?

Answer. With going to the house of a man in the night and abusing him.

Question. Abusing him in what way?

Answer. Whipping him, I think.

Question. Were they in disguise?

Answer. I do not know whether they were charged with being in disguise or not.

Question. Were any other parties with them?

Answer. Not that I know of. I think there were five, or six, or eight young men indicted—about six, I believe.

Question. Do you know of any other case?

Answer. I do not know that I know of any other in Cleveland.

Question. Do you know of any case in any other county of your circuit?

Answer. Yes, sir; there have been some indictments in Gaston, I believe; I have heard so.

Question. Indictments against men for acts committed in disguise?

Answer. Yes, sir. In the case of those six young men that I have just spoken of, Mr. Bynam entered a *nol. pros.;* he said he could not make the proof. I think there have been some indictments in Gaston County.

Question. This second attack on Mr. Biggerstaff was when he was on his way to Shelby to appear as a witness before the United States commissioner?

Answer. He was on his way to Charlotte. The facts, I believe, are about these: Mr. Hester, United States deputy marshal, had arrested some parties in Rutherfordton and had started with them to Charlotte, to take them before a commissioner there. When he was at Rutherfordton he did not know that there was a commissioner in Shelby. He had summoned Biggerstaff and his daughter to go to Charlotte; and they were on their way to that place, going across the country, about ten or twelve miles north of Shelby.

Question. On their way to the nearest United States commissioner, as was supposed?

Answer. Yes, sir. Mr. Hester, finding there was a United States commissioner at Shelby, stopped there and left the prisoners there; but Mr. Biggerstaff did not know of that and was still on his way to Charlotte, going across to the Cherryville depot.

Question. Had Mr. Biggerstaff passed Shelby?

Answer. He did not come by Shelby. He was going across north of Shelby.

Question. Was he not to the west of Shelby when attacked?

Answer. He was rather northwest.

Question. He had not got so far as Shelby?

Answer. He was not coming to Shelby; he was going to Cherryville, the nearest depot, in order to proceed to Charlotte.

Question. Were the men who attacked him disguised?

Answer. I do not know.

Question. Is there any doubt entertained in that community that the men were disguised?

Answer. I think he says that they were not in disguise, and that he knew them.

Question. He was attacked by a body of men?

Answer. Yes, sir.

Question. He then returned?

Answer. Yes, sir; I am informed that they went back the next day.

Question. What was the action of the commissioner in Shelby on the cases of those prisoners?

Answer. The prisoners were brought down there. The next morning the deputy marshal, before he knew anything of the attack on Biggerstaff, stated to Mr. Moore, the commissioner, that he would go to Cherryville; that Biggerstaff would be there, and he would send him to Shelby. He went there; but Mr. Biggerstaff did not get there, as a matter of course. He was attacked and went back; so he stated. Mr. Moore, the United States commissioner, when he heard that Mr. Biggerstaff had gone back, sent his subpœna to Rutherfordton for him. Mr. Biggerstaff failed to come. Then the commissioner sent an officer with a *capias* to bring him there. The man deputed for that purpose, when he got to Rutherfordton, thought that Mr. Biggerstaff was unable to come, or Biggerstaff claimed that he was unable to come; and they got the certificate of two respectable physicians that in their opinion he was not able to come.

Question. Why?

Answer. On account of the injuries received from those men. Mrs. Norville, his daughter, refused to come. She said it would be dangerous for her to come to Cleveland. That was the excuse she gave. Mr. Moore then, as a matter of course, could not do anything except to discharge the prisoners, or continue the case, which he did.

Question. To what time?

Answer. To the 24th of July, just before the Marion court. We thought the case would be tried in Marion, which is only twenty-five miles from the homes of these parties.

Question. The United States court met in the mean time in Raleigh?

Answer. Yes, sir; two hundred and fifty miles away.

Question. And there those prisoners were indicted?

Answer. Yes, sir. That, as a matter of course, took the case out of Mr. Moore's hands. Mr. Moore, I think, did all that an officer could with propriety do. He is an honorable, high-minded, educated man. He is withal a republican, if he is anything. He has not voted, so far as I know, since the war, except once.

Question. How many times has a United States court been held at Marion?

Answer. Judge Brooks has been holding his court in the west—sometimes at Morganton, sometimes at Marion, sometimes at Asheville.

Question. Was a court ever held at Marion?

Answer. I really do not know whether one was ever held there or not. Last year the court was held at Morganton and the year before at Asheville.

Question. Did you hear anything said about a designed attack on Mr. Biggerstaff before it occurred?

Answer. No, sir; I never thought of such a thing.

Question. Did you hear of any designed attack on Mr. Justice or Mr. Biggerstaff, in Rutherfordton, before it occurred?

Answer. No, sir. If I had I would have stopped it, or tried to do so. Mr. Justice has been rather a personal friend of mine; and I would certainly have stopped anything of that kind upon him or anybody else, if I could have done it.

Question. Did you hear of a designed attack upon any parties before it occurred?

Answer. No, sir; I never have known an instance of any such thing.

Question. Do you recollect whether any of the parties in this Biggerstaff matter confessed at Raleigh in regard to being members of this organization?

Answer. I heard there was a man by the name of Downey who was taken there as a witness and went before the grand jury.

Question. Did he confess that he was a member of this order?

Answer. I think so.

Question. Do you recollect whether he said anything at Raleigh about the attack on Mr. Biggerstaff—whether he gave evidence as to it?

Answer. No, sir; I think he was taken there as a witness in regard to the attack on Mr. Justice; I never heard of anything else.

Question. Have you had any Loyal Leagues in Rutherford County within the last twelve months?

Answer. I do not know.

Question. Have there been any in the county of Cleveland?

Answer. I do not know.

Question. Have you heard of a Loyal League in Cleveland since 1868?

Answer. Those who have been members of the Loyal Leagues are still there.

Question. I mean have you heard of their holding any meetings of the Loyal League since the presidential election of 1868?

Answer. Yes, sir; I think there have been meetings since that. At least they were holding meetings which were said to be Loyal League meetings. There was a crowd of negroes who, since that, were gathering frequently about twelve miles north of Shelby, stopping men on the highway, &c.

Question. Have you heard of anything of that kind since 1869?

Answer. I do not know that I have heard of that since 1869. The negroes are meeting about. What they meet for I do not know. I do not know that they are meeting for the purpose of keeping up the Leagues.

Question. Did you ever hear of any barn-burning before you heard of the operations of these Ku-Klux?

Answer. I think I have.

Question. Do you think the barn-burning commenced before the operations of the Ku-Klux—the whipping of negroes, &c.?

Answer. I think I have heard of it in different localities at different times. I think it has been going on in Orange.

Question. You think there were barn-burnings in Orange before there were negroes whipped by the Ku-Klux?

Answer. That is my understanding.

Question. You have got that understanding generally from the newspapers?

Answer. Yes, sir; and from conversations with gentlemen from that part of the State.

Question. You mean to say that your understanding is that the barn-burnings of which men complain occurred before there had been outrages committed upon negroes in the respective localities by disguised men?

Answer. In some cases I am sure that was so. According to my understanding I am certain it was so, particularly in the county of Orange. I think this thing commenced in the county of Orange soon after the adjournment of the legislature in 1868. In the county of Gaston there were barns burned before I ever heard of any outrages there—numbers of them. I do not know which occurred first, but I heard of the burning of barns before I heard anything about the outrages.

Question. You did not understand, then, that the barn-burning was a species of retaliation by the negroes because they had been taken from their houses and whipped by men in disguise, and that they suspected the men whose barns they burned?

Answer. I understand precisely the reverse—that the whippings were for the purpose of suppressing such conduct on the part of the negroes.

Question. Did you hear how many men were banded together in the county of Robeson committing those outrages?

Answer. No, sir; I don't know how many there were.

Question. Did you ever hear that they were estimated as high as sixty?

Answer. No, sir; not Lowry's gang.

Question. How high did you ever hear Lowry's gang estimated?

Answer. I really cannot tell, but not as high as sixty. I do not think it is considered that his gang is that large.

Question. Did you ever hear it stated that he had not more than seven men?

Answer. No, sir; I never heard that statement. He has more than that I think.

Question. Would you suppose from the reports you have heard in regard to it that the gang would number as many as thirty?

Answer. I do not know, sir. I expect from what I have heard that it is somewhere from twenty to thirty.

Question. You have not heard that the men who constitute Lowry's gang are all of them men who have been convicted of crime and outlawed?

Answer. Some of them have, I think. I believe I have heard that.

Question. You learn of this matter from newspapers and common report?

Answer. Yes, sir; and from conversations with gentlemen from that part of the State.

Question. Have you not seen two proclamations of governors of North Carolina outlawing those men?

Answer. I think a proclamation has been issued by one governor at least.

Question. Do you know Mr. Giles Leitch, of Robeson County?

Answer. Yes, sir.

Question. Is he a man of good character?

Answer. I think so.

Question. You would not hesitate to believe any statement of his on oath in regard to that matter?

Answer. No, sir; I would not.

Question. When you said that the sheriff of that county had made no effort to arrest those men because he was afraid of them, were you speaking simply from rumor?

Answer. Yes, sir; that is the general rumor—that he is either afraid of them or in complicity with them. For instance, I have heard that he will go out and summon a posse of men, will ride about and send his men before him, telling them to search a particular piece of woods or a certain house. The general opinion is that he is either in complicity with the parties or afraid of them.

Question. Do you know that the sheriff of that county is a democrat?

Answer. No, sir; I do not know who the present sheriff is.

Question. Do you know that he has called out, on some occasions, one hundred citizens of the county, and has made requisition on the governor for arms?

Answer. I saw that mentioned very recently; after those last murders upon the Wilmington, Charlotte and Rutherford Railroad.

Question. You spoke of a riot in your town in 1868, in which some negroes were set upon for being democrats?

Answer. Yes, sir; that is what they said.

Question. Were those negroes hurt?

Answer. One or two of them were.

Question. To what extent were they injured?

Answer. One was struck on the forehead, I think, with a brickbat, and his head was cut considerably. I think another had his arm cut. It was not a very serious matter.

Question. They were not hurt very seriously?

Answer. No, sir.

Question. Were any other negroes hurt?

Answer. I did not hear of any.

Question. Did you hear of any white man being hurt?

Answer. No, sir; I do not think there was any white man hurt.

Question. How many negroes were engaged in that affair?

Answer. From what I understood, I suppose there were a hundred or two on one side who were excited about; I do not know how many were throwing rocks, brickbats, &c. I think there were three or four, if I am not mistaken, on the other side.

Question. You think there were three or four on one side, and a hundred or two on the other?

Answer. Yes, sir, something like that. There had been four hundred or five hundred negroes in town during the day. This affair occurred about three o'clock. I came in town at 4 or 5 o'clock, and there was then a good deal of excitement about it.

Question. And although there were a hundred or two on one side and only four or five on the other, the injury inflicted amounted to but very little?

Answer. Yes, sir.

Question. You would not call that a bloody and murderous riot?

Answer. No, sir; I did not call it that; I said it was a riot in which there was bloodshed.

Question. You did not mean that it was a very serious riot?

Answer. I said in the outset that it was not, and I say now that it was not; but it might have been, under the circumstances, because the white men were becoming excited, and if the negroes had gone much further it would have been a serious matter.

Question. The white men made a display?

Answer. They were preparing for the thing. They made no display on the street, but they were considerably excited when I got into town. A good many of the negroes were drunk, and they had been listening to some exciting speeches on that day. Some gentlemen told me that Mr. Justice had been talking to them in an exciting manner.

Question. Were you a member of the legislature when those railroad appropriations were passed?

Answer. Yes, sir.

Question. Did you vote for them?

Answer. I voted for some of them.

Question. Did you vote for the great body of them?

Answer. No, sir; not for the great body of them. I voted for the appropriation to the western division of the Western and North Carolina Railroad.

Question. How many million dollars were appropriated to that road?

Answer. About $7,000,000.

Question. What other did you vote for?

Answer. For the appropriation to the Wilmington, Charlotte and Rutherford road.

Question. How much was appropriated to that road?

Answer. I think about $3,000,000.

Question. What others did you vote for?

Answer. I do not think I voted for any others. I may have voted for a little road down in the eastern part of the State, of which General Stubbs was president, and the appropriation for which was some $300,000.

Question. Have not the charges of fraud and corruption about railroad bonds been connected principally with the bonds of the Western road and the Wilmington, Charlotte and Rutherford road, for both of which you voted?

Answer. I do not know, sir. They have been connected with all the railroads, I believe.

Question. Have not those charges been connected principally with the $7,000,000 granted to the western division of the Western and North Carolina Railroad?

Answer. That is one of the roads in regard to which fraud has been charged; and also the Wilmington, Charlotte and Rutherford road; but I think they have turned in a good many of the bonds under a late act. Then there was the road from Fayetteville west. I think that has been a complete swindle.

Question. How much was appropriated to that road?

Answer. I think it was two or three million dollars.

Question. You voted for that appropriation?

Answer. No, sir, I did not.

Question. The operations of Mr. Swepson were upon the Western road?

Answer. Yes, sir; he and Littlefield were connected with that concern.

Question. That was the largest appropriation made?

Answer. Yes, sir.

Question. Had there not been appropriations made to that Western railroad before the war?

Answer. Yes, sir; there had been appropriations in some form, but I forget now in what form.

Question. Do you recollect that there was an appropriation of $4,000,000 made in 1868?

Answer. I do not recollect that. I know, however, that the legislature had made appropriations.

Question. Do you recollect that it was provided in those old appropriations that the bonds should be issued only as the work progressed?

Answer. I think there was such a provision. That is my understanding. It was so in the case of the Wilmington, Charlotte and Rutherford road, to which the State granted some aid.

Question. Do you recollect that in this appropriation of $7,000,000 for which you voted, there was no such restriction?

Answer. I do not think there was.

Question. It was the absence of that restriction that enabled Mr. Swepson, the then president of the road, to demand the issue of the bonds at once?

Answer. Yes, sir.

Question. Was that the reason he had it in his power to commit the fraud and peculation that occurred afterward?

Answer I do not know. I do not know why he had it in his power.

Question. Did not that give him power?

Answer. That was one thing that gave him the power. Another thing was, I think, that Governor Holden, and a part of the legislature, were in complicity with Swepson and Littlefield, in their railroad ring.

Question. Could the fraud have been consummated if the old restriction had been retained?

Answer. That is what I tried to do, but could not.

Question. You voted for the bill without any such restriction?

Answer. Yes, sir; but I did it under protest. As it was a Western measure, I thought it ought to be carried through; but I feared at the time that there was a swindle.

Question. What is the numerical strength of the colored and the white voters in the county of Cleveland?

Answer. I think the white vote is about fifteen hundred, and the colored vote four hundred and fifty. Those were the numbers some time ago, in 1868, when the registration was taken, if I am not mistaken.

Question. The white men predominate over the colored people as 4 to 1?

Answer. Yes, sir; 3½ or 4 to 1.

Question. Is the proportion the same in the county of Rutherford?

Answer. No, sir; there are more negroes in Rutherford than in Cleveland.

Question. Is the proportion any greater?

Answer. I think it is a little greater.

Question. Do you know the assessed valuation of all the property in North Carolina?

Answer. Yes, sir; according to the auditor's report to the legislature last winter about $97,000,000 was the valuation of property, real and personal.

Question. Does that embrace the whole property of the State?

Answer. I think it does. That is my understanding.

Question. You think the State tax on that is about 52 cents on the $100?

Answer. That is what I am informed by Colonel McAfee. I have not read the revenue bill.

Question. You say that the rate of taxation for State purposes is now 52 cents on each $100 of the valuation?

Answer. Yes, sir, that is what Colonel McAfee informed me. I suppose it is the fact.

Question. Do I understand you to say that it took $750,000 to pay the current expenses of the State government for one year?

Answer. From July 4, 1868, to July 4, 1869, the current expenses of the State were, I understand, $750,000.

Question. For the operations of the State government?

Answer. Yes, sir.

Question. That did not embrace the school tax?

Answer. I am not prepared to say whether it did or did not.

Question. Before the war was there any taxation levied by the State government upon property in the State for school purposes?

Answer. I do not know whether there was before the war or not. There certainly was a tax in the counties. I know there was a school fund; but I do not know whether any part of the State taxes went to it. I know that the proceeds of some public lands, and of some stocks in railroads, in the State Bank, &c., were applied to school purposes.

Question. You state that the salaries of public officers have been increased in your State. Which of the officers have had their salaries increased?

Answer. The governor's salary has been increased.

Question. From what amount to what amount?

Answer. When the war commenced the governor's salary was, I think, $2,000. I understand that his salary and house rent are now about $5,000. The judges' salaries have been increased by the addition of about $1,000.

Question. What judges?

Answer. The supreme court judges.

Question. Their salaries have been increased from what to what?

Answer. From $1,950 to $2,500 or $3,000, I forget which. I believe all the judges received $1,950 before the war.

Question. Do the circuit judges receive more than $1,950 now?

Answer. Their salaries are fixed, I believe, at $2,500.

Question. And those of the supreme court judges at $3,000?

Answer. That is my understanding of their present salaries.

Question. Do you think the present salaries of the judges are too high?

Answer. I think this: that if $1,950 was a sufficient salary before the war, it certainly ought to be now when our judges are not half so good in their intellectual and legal attainments, and particularly, too, when the number of judges has been so much increased. I do think, under the circumstances, our people being broken down pecuniarily, two-thirds of their property being swept away, the present salaries of the judges are exorbitant.

Question. What was the date of the statute that was brought to Judge Logan's attention in the case of Mr. Schenck?

Answer. It was passed at the last session of our legislature; I do not recollect the date of the act.

Question. Do you know whether that statute was passed for the purpose of giving members of the bar an opportunity of abusing the judges as much as they pleased?

Answer. No, sir; I have no idea that it was passed for any such purpose. It was passed, I think, to meet just such emergencies as it did meet in that case. The circumstances that led to its passage were these: The editor of the Tarborough Southerner had assailed, I believe, the private character of Judge E. W. Jones of that circuit, and had been disbarred; the supreme court had restored him. There had also been some difficulty about cases of contempt before the supreme court. They had ruled a large number of attorneys in contempt for some publication protesting against members of the supreme court engaging actively in politics.

Question. There is now a free license to members of the bar of that State to abuse the judiciary, provided it is not done in court, in the presence of the judge?

Answer. That has always been so, there and everywhere else, so far as I have known.

Question. That a member of the bar, practicing in a court, may say or publish out of court whatever he pleases of the judge and not be liable for contempt?

Answer. That is so; and I think it ought to be. I think it is so everywhere.

Question. Have you ever asked for the removal of your disabilities?

Answer. I am not under disabilities.

Question. I understood you to say that Governor Caldwell had respited one of the negroes implicated in the rape of the girl fourteen years old?

Answer. That was what the newspapers said. I suppose it is true.

Question. How long ago was that?

Answer. Not more than a month ago. It created a good deal of indignation in the community.

Question. Are Mr. Harrill and Mr. Wells men who have heretofore sustained a fair character in the county of Rutherford?

Answer. I know very little about either of them.

Question. Is not Mr. Harrill a relative of yours?

Answer. He is about a third cousin. I understand that a gentleman who went down

to Rutherfordton and came back the night before I left home, stated that Mr. Carpenter, who was the proprietor of the paper there, and whose press was torn out, had said to him that he would not believe any of these parties on oath. He said they were good witnesses to convict Ku-Kluxes; but, notwithstanding, he would not believe any of them on oath; and he intimated, as I understand, that they had been scared to state what they have. I believe some of them have gone up there and sworn that they belonged to an organization, the purpose of which is to break up the Government—in other words, to commit treason. I think they are just such ignorant men as would swear almost anything if they got scared.

Question. How many of them do you understand have made these confessions?

Answer. I had heard when I left home of about forty. There may be more. I understand that this young man Harrill went up and implicated a Mr. De Priest as being at the head of an organization.

Question. As chief?

Answer. Yes, sir; and De Priest afterward went up and said that he was, and gave the names of those who were with him.

Question. De Priest gave in his confession?

Answer. Yes, sir; I heard so.

Question. Do you know De Priest?

Answer. I know him when I see him.

Question. Do you know his character?

Answer. I cannot say that I do. I understand that he is a man who drinks a good deal.

Question. Is he a one-legged confederate soldier?

Answer. Yes, sir.

Question. Who was it that told you that Mr. Carpenter made those remarks in regard to witnesses?

Answer. Doctor L. M. Durham, of my town—a cousin of mine.

Question. Is Dr. Durham a member of the Invisible Empire?

Answer. I think he was.

Question. Did not Mr. Carpenter say that he would not believe any member of the Invisible Empire on oath?

Answer. No, sir; that is not what he said.

Question. That is not what you understood him to have said?

Answer. I know it is not what he said; I know I understood it right. He said he would not believe upon oath any of these parties that had gone and confessed. In other words he thought, I believe, that they were scared almost to death.

Question. You do not know what Carpenter said; you only know what Dr. Durham told you?

Answer. Certainly.

Question. Who told you what the deputy marshal at Rutherfordton had said about men's houses being burned?

Answer. What you are referring to, I suppose, is this: it is stated that A. J. Scoggins, a deputy marshal, or revenue officer of Rutherfordton County, had stated that parties who went on the bonds of those men who had been arrested would be in danger of having their property destroyed.

Question. And the lawyers who defended them?

Answer. Yes, sir, that has been thrown out. I do not know that he said that; but it has been rumored for some time.

Question. Who carried that rumor about at Shelby?

Answer. I heard that in Rutherfordton.

Question. At what time?

Answer. About three or four weeks ago.

Question. Were you there defending these parties?

Answer. Yes, sir; I went up to defend some of them.

Question. From whom did you hear that the deputy marshal said that?

Answer. I heard it talked by several, (I do not know that I can tell exactly who,) that they had heard so. It was talked very publicly and generally, that he had made such declarations. I do not know, however, that I heard any man say that he had heard him say it; but that was the general report. I have no doubt that such was the fact. There is a gentleman in my town, a republican, who had a nephew among the squad of men who were taken to Raleigh; and he went down to sign the bond for his appearance. He is the postmaster of our town—Mr. Green. He says that he has been reported to the Post Office Department, or that Mr. Fry, a post office agent, has written to him in regard to the matter. He says he has been reported officially for his connection with the matter. He told me that a day or two before I left home; that it was considered evidence of disloyalty for a man to sign a bond of any one accused of anything of this kind. That is the impression they are attempting to produce.

Question. Were any parties arrested for offenses of this kind until the United States Government recently took hold of the matter?

Answer. Yes, sir. I told you a while ago that there were several parties indicted.
Question. In your county?
Answer. Yes, sir.
Question. Did persons sign their bonds?
Answer. Yes, sir.
Question. Was anything of the sort said in regard to them?
Answer. I never heard of such a thing until quite recently. I think it is the general impression up there that it is anti-republican to sign a bond for a man accused in this way.
Question. You went down to Raleigh as counsel for these parties indicted there?
Answer. Yes, sir.
Question. And you carried with you, from many men in your section of the country, authority to sign for them the bonds of these prisoners?
Answer. Yes, sir.
Question. To what extent?
Answer. The parties justified, I think, before our clerk or commissioner, in the sum of about $45,000 or $50,000.
Question. Were they some of the leading men in that community?
Answer. Some of them were.
Question. Were the parties who were arrested and carried to Raleigh residents of the county of Rutherford?
Answer. Some of them were; all but two, I believe, who were residents of Cleveland.
Question. What was the character of those two men from the county of Cleveland? Were they men of substance?
Answer. Yes, sir; some little.
Question. Were they men of good character?
Answer. Yes, sir. One was a young man, unmarried. The other was married. I do not know what he is worth; probably a few thousand dollars. He is a poor farmer.
Question. How many men were carried down to Raleigh?
Answer. I think twenty-nine.
Question. Twenty-seven of them were from Rutherford County?
Answer. Yes, sir; that is the way I understood it. I think there were but two from Cleveland.
Question. What was the bail required for each one?
Answer. Two thousand dollars.
Question. That would have amounted to the neighborhood of $60,000.
Answer. Yes, sir.
Question. You had the authority to go bail to the extent of about $45,000.
Answer. Yes, sir.
Question. Was that authority given before these parties were indicted and in anticipation of their being indicted and held to bail?
Answer. Nobody knew at the time what was done, whether they had been indicted or were going to be.
Question. You were authorized to go their bail in case they were indicted and held to bail?
Answer. Yes, sir.
Question. Were those twenty-seven Rutherford men generally known in the county of Cleveland?
Answer. Yes, sir, a good many of them were; some of them were among the best citizens of Rutherford County; respectable men. In fact, all of them, I think, were respectable men. A good many of them trade at our town. There were some boys among them who were not well known in our county; but a portion of them were very good, old, quiet citizens.
Question. Was the authority given you to sign their bail to the effect that you could sign to the amount of $2,000 for each, or was it given for any particular individuals by name, or was it for any and all of the parties?
Answer. It was left to my discretion.
Question. To do as you pleased?
Answer. Yes, sir.
Question. Was that $45,000 bail raised in the county of Cleveland?
Answer. I believe it was. All the men, so far as I recollect, resided in Cleveland.
Question. How many were embraced in the number who made up that $45,000?
Answer. I think there were eight or ten.
Question. Were they democrats?
Answer. No, sir, not all.
Question. Which of them was not?
Answer. Mr. Green, the man I have just been speaking of—the postmaster—was not a democrat.
Question. Were any of them members of the Invisible Empire?
Answer. Yes, sir.

Question. All of them?

Answer. No, sir; I do not know how many of them; but I know that all of them were not.

Question. Do you know that any one of them was not a member of the Invisible Empire except Mr. Green?

Answer. Yes, sir, I do know others besides him who were not members.

Question. How could you tell that a man was not a member?

Answer. They all lived in the town of Shelby; and I had an idea about the matter. I know, for instance, that Mr. Gidney, an attorney, was not a member of the Invisible Empire.

Question. How do you know that?

Answer. He had told me time and again that he never had joined any secret organization and never expected to. I know he is averse to all such things.

Question. Do you think you know all the members of this order in Cleveland County?

Answer. No, sir. I have no idea that I know half of them.

Question. How do you find out whether a man is a member of the order?

Answer. I never try to find out.

Question. You cannot know a man is a member unless you find out in some way?

Answer. Frequently I am told so. But so far as regards signaling men, giving them signs, I never do it. I never put myself to any trouble about it.

Question. Do you state it as your opinion that these outrages of which you have spoken as having been committed by men in disguise, such as the whipping of colored men and others, were not in pursuance of the orders of camps of this organization?

Answer. I do not know of course what all the camps do; but I have every reason to know that the best part of the population in all that country is opposed to any such things; and furthermore, I am satisfied that these whippings and scourgings that have taken place there have been done by irresponsible parties.

Question. And not by order of any camp?

Answer. Not by order of any camp. I do not know of a case in which the thing has been done by the order of any camp.

Question. Are committees appointed by these camps to take into consideration whether certain punishment shall be inflicted upon certain persons?

Answer. I never heard that.

Question. You never heard anything of that kind?

Answer. I do not know anything about it. I never saw any such committee; and I do not know anything about that manner of proceeding.

Question. You have never heard it intimated in any way that those operations were likely to influence the vote of the colored men, or to deter them from voting?

Answer. Never in my life; and I have no idea in the world that anybody else ever heard it. If they did, they heard it from irresponsible parties.

Question. Do you think that three months ago an election could have been held in your county just as freely as in any other county of the State?

Answer. I have no doubt of it.

Question. And people would have voted the republican ticket with as little apprehension?

Answer. I have no doubt about it. I do not see why they should not. My opinion in regard to the whole matter is simply this: that these things have run into excesses and great excesses—there is no doubt about that; but in many cases they have been done by a class of men who believed that in no other way could they keep the negroes at a distance; and in a majority of cases the parties punished have been negroes, because they are generally low-down people who will steal and do almost anything that can be done in that line; and while, as I have already stated, acts of violence have been committed upon the whites, both republicans and democrats, I know that where committed on whites, in a majority of cases they have been democrats, but because they are just such characters as the negro, except that their skin is white; and the reason that there have been more instances of outrages upon negroes than upon whites is simply because there are more of the negroes in that low condition than there are of the white men.

Question. But there was a raid by disguised men into Rutherfordton when Mr. Justice was taken from his bed in his night-clothes and carried out in the rain, struck a very severe blow upon the head, as he showed to the committee, and his life threatened; and on the same night the office of the Star, a republican newspaper published in that town, was attacked by this same band of disguised men, and almost entirely destroyed; and, according to the testimony before the committee, inquiries were made for Judge Logan, and threats made in regard to him, the statement being that they wanted to get him and kill him as well as Mr. Biggerstaff?

Answer. That is all so, I suppose; I know nothing to the contrary; but I say that in a majority of cases these things occur in the manner I state.

Question. Do you know anything of men from South Carolina coming over and engaging in these acts of violence?

Answer. After that outrage upon Mr. Justice I heard that a number of men had crossed Broad River, which is near the South Carolina line; I heard that forty men had crossed at Island Ford on the Broad River, between Rutherford and Spartanburgh Counties.

Question. Were they in disguise?

Answer. I do not know that it was stated they were in disguise.

Question. Were they coming in the direction of Rutherfordton?

Answer. I heard so; that was the rumor through the country.

Question. Have you heard of men from Rutherford County going into Cleveland?

Answer. No, sir.

Question. Have you heard of men from Cleveland County going into Rutherford?

Answer. I have heard rumors of that kind; the Rutherford people say so; that is all I know.

Question. How many persons were present on the occasion of the first attack upon Mr. Biggerstaff?

Answer. I do not know.

Question. Did you hear the number stated as high as sixty?

Answer. I do not know; I think Mr. Biggerstaff states the number at about forty.

Question. Have you heard of any of these outrages being committed in the county of Chatham?

Answer. I do not know that I have.

Question. Is there any organization of the Invisible Empire in Chatham County?

Answer. I do not know

Question. Is there any in the county of Harnett?

Answer. I do not know.

Question. Is there any in the county of Moore?

Answer. I do not know.

Question. Are those counties in Judge Buxton's circuit?

Answer. Some of them are; I do not know whether all are or not.

Question. Are Moore and Harnett in his circuit?

Answer. I believe so.

Question. In Judge Buxton's circuit there could be no such reason as is charged to exist in Judge Logan's circuit for such outrages?

Answer. Do you mean so far as incompetency is concerned?

Question. Incompetency or corruption, or anything of the sort.

Answer. Well, Judge Buxton is generally understood to be a good judge.

Question. And a man of high character?

Answer. O, yes.

Question. Did you ever hear a breath against his character in any way?

Answer. Never in my life.

Question. Neither as a man nor as a judge?

Answer. No, sir; I never have.

Question. Then if such things have occurred in his circuit they could not have been on account of any action of his?

Answer. No, sir; I should suppose not; I never heard anything against him; I do not go down to his circuit; I have not been there since the war.

Question. Have outrages of this kind occurred in Judge Henry's circuit?

Answer. I do not think they have occurred over there; I have not heard of any.

Question. Do you know Judge C. R. Thomas?

Answer. Yes, sir.

Question. Is he a good lawyer?

Answer. He is said to be.

Question. Is he said to be a man of more than ordinary ability?

Answer. He is a man of fair ability.

Question. What is his age?

Answer. I do not know; I should suppose from thirty-five to forty.

Question. Is he a man of good character?

Answer. I think he is; I have never heard anything to the contrary.

Question. Did you ever hear anything against his character as a man or as a judge?

Answer. Not that I know of.

Question. He rides the New Berne circuit?

Answer. He is a member of Congress now.

Question. He did so until recently?

Answer. Yes, sir; he was on that circuit.

Question. He has not been a member of Congress until the present Congress?

Answer. I believe not.

Question. Have you heard of outrages in the county of Lenoir, and other counties in his circuit?

Answer. Two or three years ago I did hear of some outrages down there.

Question. Were they of a very atrocious character?

Answer. I really do not know; I heard of some negroes being taken from the Kinston jail, I believe, and killed near the railroad bridge.

Question. There would be nothing in the character of the judge of that circuit to justify a resort to such proceedings, would there?

Answer. Not that I know of.

By Mr. BLAIR:

Question. Speaking of this Judge Thomas, I have seen in a newspaper a dispatch from Goldsborough in reference to a riot that occurred there; and it is stated that Judge Thomas was present.

Answer. Yes, sir; I saw that dispatch in one of the papers.

Question. Do you know anything about that riot?

Answer. Nothing except what I see in the dispatches.

By the CHAIRMAN, (Mr. POOL:)

Question. You did not hear that Judge Thomas was engaged in the riot?

Answer. No, sir; all I know about it is the statement I saw in the dispatches that he was present and did not attempt to suppress the riot at all.

By Mr. BUCKLEY:

Question. I understood you to say that the cause of this trouble, of which you have been speaking, was bad government?

Answer. I think so.

Question. In what respect do you consider the government bad; do you mean that there is a bad judiciary?

Answer. Yes, sir; I have just been stating that that is partly the reason. In addition to that I think that Governor Holden's action in respect to pardons has had a very injurious effect. And I have reliable information from South Carolina that Governor Scott is pardoning out negroes as fast as they are put in the penitentiary. Governor Holden has certainly pardoned a very large number. As I stated a while ago, two negroes who passed through the town of Shelby, under sentence to the penitentiary, came back in a few days, having never been inside of the penitentiary, and boasted of the fact that Governor Holden was their friend, and that the negroes need not be afraid.

Question. What effect would it have upon the government of any community or any State, to have disguised bands of men going about and committing such outrages as you have yourself detailed in regard to those five or six democrats?

Answer. A very bad effect.

Question. What necessity was there for those men adopting that mode of punishment?

Answer. I do not think there was any necessity for adopting that mode; I do not justify it at all.

Question. Those cases could have been reached in a different method—by a regular legal proceeding?

Answer. They might have been.

Question. And Judge Logan would not be troubled with any political bias in favor of the criminals where they were democrats?

Answer. Certainly not. I will make one statement in regard to a great many of these outrages. I firmly believe that if the proceedings of these Leagues and their leaders, those organizations being generally composed of negroes and white men of very disreputable character, had been allowed to go on without some check by the courts or otherwise—if they had been permitted to continue to threaten and to attempt to deter and intimidate the people, I really do not know what would have been the condition of the Southern States to-day.

Question. What is the present condition of the colored people in your State; are they industrious?

Answer. Some are and some are not; in some communities they are and in some communities they are not. In the town of Rutherfordton I think they are almost all vagabonds.

Question. Are they more lawless than they were immediately after the surrender?

Answer. Yes, sir; I think they are, upon the whole. I think they are doing more stealing and things of that kind. They will steal.

Question. You were living, of course, in the South before the war?

Answer. Yes, sir.

Question. Did you own slaves?

Answer. No, sir; I was merely a boy; I was not twenty. My father owned slaves.

Question. Before the war, and during the war, there was generally a pleasant and kindly relation existing between master and slave?

Answer. Frequently so. There were some hard masters and some bad negroes; in a majority of cases, I suppose, the relations between master and slave were p easant and kindly.

Question. How was it immediately after the war?

Answer. The same way.

Question. How long did that state of affairs continue?

Answer. It continued until the passage of the reconstruction measures by Congress, and until the negroes were made to believe that they had as much right to the lands of the country as anybody else.

Question. As a general thing they had confidence in your people?

Answer. They had until northern men, and others who took part with them, came down there and destroyed that confidence.

Question. They had that confidence immediately after the war?

Answer. Certainly; and a great many of them staid with their old masters until the passage of the reconstruction measures of Congress.

Question. And were obedient and measurably industrious?

Answer. Yes, sir; a great many of them.

Question. They have confidence in you now on matters of business?

Answer. Well, sir, I have frequently defended them without compensation. I have defended, I was going to say, fifty of them, and have never received $5 for my services.

Question. In all matters of business the kindly relation between the negroes and their former masters continues?

Answer. It has until lately; but that confidence does not exist as it once did. Up to 1866 or 1867, about the time of the establishment of the new State government, the negroes were just as happy and were getting along just as well as laborers could do.

Question. But their confidence has been shaken by the cause to which you refer?

Answer. There is no doubt about that.

Question. Do you think there is anything else that has tended to destroy the confidence which the negroes had in your counsels?

Answer. Do you mean anything else than political influence?

Question. Anything else than the bad advice which you think had been given them?

Answer. I do not see that there is.

Question. Do you think that the hostility on the part of the white people to the exercise of the right of suffrage by the negroes has diminished the confidence which once existed, and tended to destroy the former kindly relation?

Answer. No, sir; I do not think it has; I do not think that one in a hundred of the negroes knew what the word "suffrage" meant when they first voted. They did not want the ballot; they cared nothing about it. They had no idea of it. They were getting along peaceably and quietly. But as soon as the reconstruction measures were passed by Congress the politicians got among them; the Leagues were organized, the negroes were taken in, and a great many of them were made chiefs or presidents of the Leagues. In that way things were carried high for a while.

Question. I believe that, according to the census of 1860, you had in the State of North Carolina a white population of 629,942, and a colored population of 361,522?

Answer. That is something about the proportion.

Question. Is it not a little remarkable that any set of men going among you could succeed in turning one entire race of people against another, the latter being in the majority as two to one?

Answer. I do not think it is at all remarkable; I think it is all very natural. In the first place, the negroes were made to believe that the northern people had emancipated them; they were told that from the stump. They were told that they were under no obligations to anybody except the northern people for their emancipation; they believed that, and, believing that the northern people were their best friends, they were prepared to listen to anything any one of them would tell them. Men came down there who told them in public speeches that the southern people were not their friends. These carpet-baggers came there for that purpose alone. Of course a great many honest men went there for legitimate purposes, intending to make the South their permanent home. But some men came down there who, when they had not been in the country six months, and sometimes not three, were candidates before the negroes for some office. These men would go around speaking in the Leagues, &c., inflaming the minds of the negroes against the white people.

Question. The colored people seemed to have confidence in them?

Answer. As a matter of course they did.

Question. Do you not think there were some issues growing out of the war which paved the way for that confidence and led the negroes to accept the advice which those men gave them?

Answer. No, sir; I think not.

Question. In regard to the reconstruction measures of Congress, I think you used the expression that they were looked upon as unwarranted and oppressive?

Answer. Yes, sir.

Question. And that the intelligent people regarded them as hostile to them?

Answer. Yes, sir.

Question. In what respect?

Answer. Well, in many respects. First and foremost, the reconstruction measures disfranchised a large number of the best men of the Southern country.

Question. Aside from the imposition of disabilities, how were the reconstruction measures so objectionable?

Answer. In the next place, the most ignorant and superstitious negro—a man who did not know the meaning of the word "suffrage" or "vote," who did not know whether the ticket he voted was for Mr. A, or Mr. B, for the constitution or against it—was allowed by those measures the privilege of holding the highest offices of trust and profit, while such men as Governor Graham, Governor Bragg, and other men in whom the whole people of North Carolina had confidence, were disfranchised. Of course the intelligent people of the South could not look upon such treatment as anything else than hostile to their best interests.

Question. Besides the disfranchising clauses, did the oppressiveness of the reconstruction policy, in the estimation of the Southern people, grow out of the fact of universal suffrage? Did they look upon universal suffrage as a part of the oppression, aside from the imposition of disabilities?

Answer. I speak of the two in connection. They thought that to disfranchise ten or fifteen thousand of the best men of North Carolina, (I speak now of North Carolina, though the same remark applies to the South generally,) they thought that to deprive the best men of North Carolina of the right to hold office, and to make eligible to the highest offices the colored boot-black, who did not know one letter of the alphabet from another, and could not tell what he was voting for, indicated a spirit of hostility toward our people.

Question. Did the intelligent people of your State feel that there was oppression growing out of the granting of suffrage to the negro?

Answer. Under the circumstances, they thought so as a matter of course. If general amnesty had been extended to the people along with universal suffrage, two years ago, there would have been perfect quiet in the South, if the State governments had been properly administered.

Question. Do you think that now a general removal of political disabilities would have a quieting effect?

Answer. Yes, sir. You have no idea how wide is the operation of those political disabilites. Every man in the State has some relative, or some man whom he is accustomed to look up to as a leader or adviser, who is under disabilities and cannot hold office. Besides that, the disability extends to the influential men of neighborhoods—those who have been justices of the peace, &c.

Question. How many people in North Carolina are disqualified by the third section of the fourteenth amendment?

Answer. It was estimated at the time it was adopted, that the number it affected was from ten to fifteen thousand in our State. I cannot tell how many it now affects, for I do not know how many have had their disabilities removed.

Question. Do you think that Lowry and his gang have any connection whatever with politics?

Answer. I have been informed that they are all on one side; that they are all republicans; but whether they do their acts as republicans, or whether republicans encourage them, I have no knowledge except from rumor.

Question. You do not think that the republican party can gain any advantage by taking their side?

Answer. No, sir.

By Mr. BLAIR:

Question. You have said that there were some seven or eight of this Robeson County band?

Answer. I say not exceeding thirty, from what I have heard.

Question. Is it not understood that a large portion of the colored men of that county, numbering several hundred, are in sympathy with that band?

Answer. I do not know how many hundred; but it is rumored, and generally supposed, that a large number of people are in sympathy with them.

Question. And aid them in evading and resisting the law?

Answer. Well, they do not attempt to capture them. It is believed (and it is a reasonable supposition) that if the people would turn out and attempt to capture them, they could do so.

By Mr. BUCKLEY:

Question. But does not the reluctance to turn out and capture them arise from the fact that it is a very dangerous business to undertake to capture them?

Answer. I do not know about that; I do not know whether they have fired upon the sheriff and his posse or not.

By Mr. BLAIR:

Question. If it is considered a very dangerous business, would not the natural mode to capture them be to do as Governor Holden did in regard to the counties of Alamance and Caswell, where it was not dangerous to capture anybody—where persons could be arrested without a posse or anything of that kind? If Governor Holden had declared

the county of Robeson under martial law, and had sent his militia there, might they not have captured these resisters of the law?

Answer. Well, sir, it has been a matter of remark and wonder that Governor Holden should have inaugurated his military movement and sent troops to Alamance and Caswell, where the civil officers were never resisted in the execution of process, while he has never thought it proper to do anything of the kind with regard to the county of Robeson, but has allowed Lowry and his gang to murder people.

Question. Does not that look very much as if he at least was in sympathy with their doings?

Answer. It looks to me that way. As I stated a moment ago, the course of the governor in this matter has been a subject of wonder.

Question. You have been asked in regard to the railroad bills which were passed and for which you voted—bills designed, I believe, to assist railroads intended to go through your own part of the country. The fraud in those cases, I suppose, was in not applying the bonds to the construction of the roads?

Answer. That was the fraud. Those bills were passed at a time when everybody believed the pledges made by the republican party at the time the constitution was adopted, that no greater tax could be levied on the people than $2 on each $300 valuation of property. As soon as the supreme court made the decision that this limit might be exceeded, then, as a matter of course, every one who voted for those bills saw the effect of what had been done. We voted for the bills upon that pledge, and the bonds were afterwards recalled so far as they could be.

Question. If the money had been honestly applied to the construction of the roads, and if the State had retained its lien upon them for the credit extended, the operation would not have been so disastrous to the people of the State?

Answer. Certainly not.

Question. But the fact is, as I understand, (and I wish you to correct me if it is not so,) that scarcely any of the money derived from those bonds has been applied to the construction of the roads?

Answer. If any of it has been applied in that way, I do not know it. I think it has all been squandered.

Question. The whole of it, amounting to $15,000,000 or $16,000,000?

Answer. Yes, sir. I do not know how many of the outstanding bonds have been declared unconstitutional by the supreme court.

Question. Were the roads compelled to comply with certain restrictions before the bonds were issued to them?

Answer. Yes, sir. On the western division of the Western and North Carolina road the stock, I believe, amounted to $10,000,000, and 5 per cent. of the amount was required to be paid in. But Mr. Swepson was the president, and as a matter of course he took the money out of one pocket and put it into the other, and said that it had been paid in, when in truth it had never been. Upon the pretense that the required amount had been paid in, the company drew the bonds, when it was openly charged that Governor Holden (it was one of the charges against him when he was impeached; I forget whether he was convicted upon it) knew at the time the bonds were issued that the money had not been paid in, and that the requirements of the act had not been complied with. I have no doubt, from all the circumstances, that Governor Holden knew all about it at the time, and that from the beginning Mr. Littlefield and Mr. Swepson did not intend to build the road.

Question. You said that a certain petition to the legislature had been gotten up, requesting Judge Logan to resign his office; and the question was asked whether that step had been taken since his action in reference to the Ku-Klux. You stated that there were certain republicans who had signed that petition. Would they have been affected by his position on that question?

Answer. No, sir. One of the signers was Mr. Bynam, the most prominent lawyer in Western North Carolina, and as able a man as we have in the State, so far as legal abilities are concerned.

Question. Is he a vigorous prosecutor of the Ku-Klux?

Answer. Yes, sir; everything of that kind. He entered into the matter with all his heart. I have heard him time and again accuse Judge Logan of very bad things. Of course he has no objection to his action on the bench; but he considers him a corrupt man in financial matters—in some things that have happened in the judge's own county.

By the CHAIRMAN, (Mr. POOL:)

Question. You said that at the time these large railroad appropriations were made it was the understanding that the legislature could not levy taxation to exceed $2 on every $300 valuation of property?

Answer. Yes, sir; that was the understanding at that time. That was before the decision of the supreme court. Some of those appropriations were made at the summer session of 1868; others at the winter session of 1868–'69. In the summer of 1869, I believe, the supreme court made its decision; and at the session of 1869–'70 the bills repealing the appropriations, &c., were passed.

Question. You said, I believe, that at the time these appropriations were made it was thought the legislature would not be able to exceed in taxation the rate of $2 on every $300 valuation of property?

Answer. That was the understanding, as the constitution had been ratified under that view.

Question. I understood you to say that but for that understanding those railroad appropriations would not have been passed?

Answer. I do not see how they could have been passed, because the special tax provided in those bills for paying the interest on the bonds which the bills authorized to be issued ran the amount of tax beyond $2 on the $300 valuation. Therefore if that had not been the understanding the legislature could not have passed the bills, because outside of the current appropriations, outside of general State expenses, and outside of the interest on the old debt, those bills themselves ran up the amount to 66⅔ cents on each $300 valuation.

Question. Was it your understanding that the legislature could or could not exceed the rate of $2 on every $300 of valuation?

Answer. That they could not. The bills were passed with that risk. The parties interested said that if those bills were passed they could build the roads; and the bills were passed with that risk.

Question. Then they were passed, and you voted for them, with the distinct understanding that the taxation to meet the bonds and interest could not exceed $2 on every $300 valuation of property?

Answer. That had been pledged.

Question. Would that rate of taxation have raised a sufficient amount to pay the interest on these last appropriations?

Answer. I think it would; I think, though, it ran up to about 66⅔ cents on each $300 valuation.

Question. So that if the interest on these appropriations had been paid promptly there would have been no means to carry on the State government by taxation if the constitution had been held to mean what you understood it to mean?

Answer. No, sir. We risked that in voting for the bills. We all voted for them with that understanding. The railroad presidents and their friends said they could take the bonds and build the roads, and inasmuch as it was the distinct understanding that no tax beyond $2 on every $300 valuation could be levied, the members were willing to pass them.

Question. At the same time you understood that taxation to the extent of $2 on every $300 would be required for State purposes?

Answer. We did not know whether that would be required.

Question. You knew that most of it would be?

Answer. Yes, sir.

Question. And that there was no power under the constitution to pay those bonds?

Answer. I did not know how much would be paid. I thought we could not pay them all, because we had the ordinary expenses of the State to meet.

Question. And it was with the distinct understanding that the legislature would not be able to tax the people to pay the interest that the appropriations were made?

Answer. No, not that the legislature would not be able to tax the people to pay the interest, because we did not know how much property the State would have or what would be its valuation. But we voted with the distinct understanding that in no case should the tax exceed $2 on every $300 valuation, let the property be much or little.

Question. So that your purpose was to issue the bonds whether there was any power under the constitution to raise the money to pay the interest or not?

Answer. We could not tell how that would be.

Question. You were under the impression that the State would not be able to do so?

Answer. I was under that impression.

Question. Was it exactly right to issue bonds when you knew, or believed you knew, that the constitution prohibited the passage of the act necessary to pay the interest on them?

Answer. Well, that is a matter of morals that I do not come here to discuss. It was the distinct understanding at the time the bonds were authorized, that under no circumstances could we exceed $2 taxation on every $300 valuation of property. How much that rate of taxation would raise nobody knew; but we all thought it would not raise enough to pay the interest on the old and the new debt, as well as meet the regular expenses of the State government.

Question. In point of fact, you would not have been able to pay any interest on the bonds at all at that rate of taxation?

Answer. Well, really I do not know.

Question. Has there been any encouragement given by the democratic press of North Carolina to these outrages of which we have been speaking?

Answer. Not that I know of.

Question. Is the Raleigh Sentinel the organ of the democratic party of North Carolina?

Answer. Yes, sir, it is considered to be the central organ.

Question. I have in my hand a copy of the Raleigh Sentinel of July 31, 1871, in which I find the following:

"At Louisburg the negroes and white radicals sought a quarrel with a gentleman. The war-cry was raised, the negroes formed in the streets, and nothing but the forbearance of the whites prevented bloodshed. If we had space and time we would republish the account of that negro riot. The white men determined that if one man had been killed they would have hung General Willie D. Jones and General Philemon J. Hawkins, who were leading the negroes, not in the riot but in the political meeting."

Do you know General Willie D. Jones?

Answer. Yes, sir.

Question. Is he a man of character?

Answer. Yes, sir; he has been a member of the State legislature from time to time.

Question. Was he a member of the State legislature before the war?

Answer. I really do not recollect about that.

Question. Has he not been several times a member of the State senate?

Answer. He has been twice since the war, within my knowledge. I think he was a member in 1866–'67, and also in 1868.

Question. Do you know General Philemon J. Hawkins?

Answer. Yes, sir, I know him.

Question. Is he a man of character?

Answer. I think he is.

Question. Is he a man of high family connections?

Answer. So far as I know he is.

Question. A brother of Dr. Hawkins?

Answer. Yes, sir; if he is the senator from Franklin he is a brother of Dr. Hawkins.

Question. He was a State senator from Franklin County, in which Louisburg is situated?

Answer. He was.

Question. Would you consider such an article as that, appearing in a leading paper, as calculated to encourage these outrages?

Answer. I cannot see how it is calculated to encourage them at all.

Question. Has there been any effort on the part of this same paper, being the organ of the democratic party of the State, to array one race against the other?

Answer. Not that I know of; I have never heard of or seen such articles.

Question. I have before me a copy of the Sentinel of July 28, 1871, in which I find the following:

"So they go! Grant and his entire administration, at the tail end of whom is Holden, using the power of the Government to enter the campaign at the head of their negro hosts, to put down the white people of the State at the polls. What a spectacle! Grant and the administration, with United States troops, placed themselves at the head of Holden and Kirk's cutthroats and their negro hosts last August to put down the people at the polls. The result of that contest was the most astonishing triumph for the white people ever recorded. Who was scared then? Who quailed? The result of next Thursday's contest, we tell the people now, (as we told them the truth then,) will be an overwhelming radical defeat; and Grant and his minions, white and black, will slink back to their holes in utter dismay. Up, white people of North Carolina, and meet the invaders of your rights—the plunderers of your property! They fly the black flag! Down with them and it, and vindicate your color, your honor, and your manhood! Down with them! Let the war-cry be, 'Convention, and North Carolina for the white people of North Carolina!' Up, boys, and at them!"

Do you consider that article as tending to array the citizens of North Carolina upon the line of color?

Answer. Well, I do not know about that. I think it is only a defensive measure, as I think it has been the policy of the republican party and its leaders from the beginning to array the negroes against the white people, not only politically but violently; and if they compel us to fight on the question of color, it will have to be done. That is the way I look upon it.

Question. Would you regard this as an appeal to the people founded upon the distinction of color?

Answer. No, sir, I would not take it that way. I would regard it as an appeal to the white men to come forward to the rescue of the State, inasmuch as the opposition were controlling the blacks.

Question. Do you consider such an appeal to the people of North Carolina as entirely justifiable under the circumstances?

Answer. So long as the opposite party controls the black men by a mere machine, the Leagues, I would.

Question. Have you heard of a League in North Carolina since 1868?

Answer. As I stated a while ago, I do not know when they quit holding their meetings. They may be at it now for all I know. I know of some meetings of the negroes, but I do not know what they are doing. In fact I never knew anything about their League meetings except from hearsay. In regard to this question of color I wish to make a single statement. I have known of some instances in my own experience in

which the question of color has been directly raised. I recollect that this man, Mr. Justice, during my campaign for Congress in the seventh district, in the fall of 1868, when I was in Polk County, Colonel McAfee being there as district elector on the Seymour and Blair ticket——

Question. You were a democratic candidate for Congress?

Answer. Yes, sir. Colonel McAfee made the first speech, and Mr. Justice had asked permission to make a speech on the other side, inasmuch as neither Mr. Jones nor the republican candidate for elector was there. Justice made a speech. The negroes were, by members of the League, kept out in a grove at some distance off until Mr. McAfee concluded his speech. When Mr. Justice rose to speak the negroes were all brought into the court-house. I suppose there were one hundred; I do not know how many there were; but there was a large crowd. When Mr. Justice concluded, and I rose to speak, the negroes were all taken out again. That shows the manner in which the negro has been controlled in that country.

Question. That was in the year 1868?

Answer. Yes, sir.

Question. What county?

Answer. In Polk County, at the court-house in Columbus.

Question. What is the relative numerical strength of the colored and white voters in that county?

Answer. I think there are about one hundred and forty or one hundred and fifty colored voters. I suppose there were seventy-five or one hundred negroes there that day.

Question. How many white voters are there in the county?

Answer. I think some six or seven hundred—perhaps eight or nine hundred.

Question. Did any of the white people leave when Mr. Justice commenced speaking?

Answer. I did not see any white men leave. I understood it in this way: that the negroes were being entirely controlled through their superstition and their fears by the Leagues. At one time they were actually in terror, so far as regards voting any other way than the Leagues would dictate. They believed the Leagues had power to try, sentence, and punish them. They talked that way. They were afraid to do anything except what the Leagues told them to do. Now, in regard to one matter, about which I was asked a while ago, I did not finish my answer. I was asked as to the safety of republicans and the fairness of the canvass in the counties of Cleveland and Rutherford. I wish to say that there has not been a year since the war in which we have not had republican candidates canvass Cleveland and Rutherford as regularly as the democratic candidate; and they have gone wherever they pleased. Last year a cry was raised that there was danger; and Governor Holden sent a company of his armed militia up there, who surrounded the ballot-box on the day of the election, a dozen or two of them being stationed right around the polls. They arrested two men there that day; one was an old man sixty-five or seventy years of age, who was going up quietly to vote. The lieutenant said he had cursed him outside, and he wanted him to understand distinctly that he could not do that. But, notwithstanding the fuss that was made about the county of Cleveland, there was not one iota of foundation for the complaint that was made about the danger to republican candidates in canvassing the county.

Question. Notwithstanding the presence of the troops at the ballot-box, did not the colored vote fall off considerably in Cleveland County at the last election?

Answer. I do not recollect how that was. I know there were a large number there that day who voted.

Question. Was not the democratic majority in the county increased?

Answer. Yes, sir; it was greatly increased in Cleveland, while it was greatly decreased in Rutherford.

Question. To what extent was the conservative or democratic vote increased in the county of Cleveland?

Answer. From about five hundred up to eight hundred and fifty. In Rutherford, where in 1868 we had over one thousand, it was reduced to two hundred and sixty at the last election.

Question. Was not the increase of the democratic majority in Cleveland because of the falling off of the republican vote?

Answer. No, sir; not at all.

Question. Was there any increase of the democratic vote?

Answer. Yes, sir; a large increase.

Question. Notwithstanding the presence of the troops?

Answer. Yes, sir. I think that fact increased the democratic vote, because the people there are not very scarey; they did not care anything about Kirk and his troops. If the troops had attempted to interfere with the liberty of the ballot that day, there would, perhaps, have been a difficulty.

Question. How many of the troops were there?

Answer. Thirty. They were told very distinctly when they came that we had no objection to their coming there, but we were going to vote.

WASHINGTON, D. C., *September* 23, 1871.

WILLIAM L. SAUNDERS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. At Chapel Hill, Orange County, North Carolina.

Question. How long have you resided in that State?

Answer. That is my native State; I have, however, lived out of it a few years.

Question. What is your age?

Answer. I am thirty-six years of age.

Question. What is your occupation?

Answer. Well, sir, I was a lawyer by profession; but I have not pursued the practice of law since the war.

Question. Before proceeding with your examination in detail, I will inform you that it appears in our proceedings that you were subpœnaed to appear before this committee as a witness, and that at one time you were in attendance in this city. I will ask you what excuse you have to give for leaving this city without appearing before the committee?

Answer. Well, sir, upon reflection, I concluded I would return home. I afterward received an excuse from the committee, excusing me from attendance.

Question. You came to this city in obedience to a telegram?

Answer. I came here—I cannot say positively that I came here in obedience to a telegram. However, I would not have come but for the telegram I received, though I had not made up my mind that I would appear before the committee when I came here.

Question. Did you appear before this committee?

Answer. No, sir, I did not.

Question. Did you leave the city without reporting to the committee?

Answer. I did.

Question. What excuse have you for so doing?

Answer. I have stated that, upon reflection, I concluded to leave the city without reporting to the committee.

Question. And you did so?

Answer. I did so.

Question. And you are now here in obedience to a second subpœna, sent after you had disregarded the first?

Answer. Well, yes, sir.

Question. The purpose of this committee is to inquire in relation to the execution of the laws, and the security of life, person, and property in the late insurrectionary States. As bearing upon that question, we have been examining in regard to the existence of secret organizations in the State of North Carolina, particularly those which are alleged to have committed acts of violence. Have you been at any time, or are you now, a member of any secret political organization of that character in the State of North Carolina?

Answer. Well, sir, I decline to say whether or not I have been a member of any of the so-called Ku-Klux organizations, on the ground that I am not obliged to testify in a case wherein I may criminate myself. I do this without intending any disrespect to the committee, but just simply upon the constitutional exemption.

Question. Do you decline to answer the question on the ground that you cannot do so without criminating yourself?

Answer. I decline to answer the question on the ground that if I testify in this case it will furnish evidence which will make me amenable to the laws of North Carolina, as declared by the judges of the supreme court of North Carolina.

Question. Have you been at any time, or are you now, a member of an organization known as the White Brotherhood?

Answer. Well, sir, I conceive that that question comes in the same category.

Question. Do you decline to answer that question?

Answer. I decline to answer that question because, without meaning to say whether or not I am a member of that particular organization, that method of examination would lead to the particular organization of which I may be a member. It is getting at an affirmative fact by indirectness, which, I conceive, is covered by the constitutional provision.

Question. Have you been at any time, or are you now, a member of the organization known as the Constitutional Union Guards?

Answer. To that I give the same answer.

Question. Have you been at any time, or are you now, a member of the organization known as the Invisible Empire?

Answer. I make the same answer as before.

Question. Have you been at any time, or are you now, a member of any of the organizations which are popularly known as Ku-Klux organizations?

Answer. I make the same answer to all these questions.

Question. Do you decline to answer any or all of these questions on the ground that you cannot do so without criminating yourself?

Answer. Yes, sir; without leading to that result.

Question. I will read to you the act of Congress of 1862 on that subject, for the purpose of letting you know that that is not a valid excuse. I will first read the second section of the act of 1857, which is as follows:

"SEC. 2. *And be it further enacted,* That no person examined and testifying before either House of Congress, or any committee of either House, shall be held to answer criminally in any court of justice, or subject to any penalty or forfeiture for any fact or act touching which he shall be required to testify before either House of Congress or any committee of either House as to which he shall have testified, whether before or after the date of this act, and that no statement made or paper produced by any witness before either House of Congress, or before any committee of either House, shall be competent testimony in any criminal proceeding against such witness in any court of justice; and no witness shall hereafter be allowed to refuse to testify to any fact or to produce any paper touching which he shall be examined by either House of Congress, or any committee of either House, for the reason that his testimony touching such fact or the production of such paper may tend to disgrace him or otherwise render him infamous: *Provided,* That nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid."

That is modified by the act of 1862, in this way:

"That the provisions of the second section of the act entitled 'An act more effectually to enforce the attendance of witnesses on the summons of either House of Congress, and to compel them to 'discover testimony,' approved January 24, 1857, be amended, altered, and repealed, so as to read as follows: That the testimony of a witness examined and testifying before either House of Congress, or any committee of either House of Congress, shall not be used as evidence in any criminal proceeding against such witness in any court of justice: *Provided, however,* That no official paper or record produced by such witness on such examination shall be held or taken to be included within the privilege of said evidence so to protect such witness from any criminal proceeding as aforesaid; and no witness shall hereafter be allowed to refuse to testify to any fact, or to produce any paper touching which he shall be examined by either House of Congress or any committee of either House, for the reason that his testimony touching such fact, or the production of such paper, may tend to disgrace him or otherwise render him infamous: *Provided,* That nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid."

Now, in view of the law, as it has been read to you, and after having put to you the questions which you have declined to answer, I will proceed now to ask you whether you have ever held, or now hold, any official position in any organization in the State of North Carolina popularly known as the Ku-Klux organization?

Answer. I decline to answer that question.

Question. Do you know who are members of any such organization in the county of Orange, North Carolina?

Answer. I decline to answer that question.

Question. Do you know who are the commanders, chiefs, or heads, by whatever names they may be known, of the different organizations of the Ku-Klux Klan, in the county of Orange, in North Carolina?

Answer. I decline to answer that question, for the reason I have assigned.

Question. Had you at the time, or have you now, any knowledge of the persons who have committed the murders and inflicted the whippings that have been charged against the Ku-Klux Klan, in the county of Orange, and in the State of North Carolina?

Answer. No, sir, not of my own personal knowledge, I have not. That question is not saved by the answers I have heretofore given.

Question. Have you had any communication with persons who have stated to you their knowledge of such murders, or such whippings in the county of Orange, in the State of North Carolina, or in any other part of the State of North Carolina?

Answer. I have had only one such conversation.

Question. With whom?

Answer. That I decline to state.

Question. Where did the person live with whom you had such conversation?

Answer. I decline to state that also.

Question. What position, if any, did he occupy in North Carolina?

Answer. I decline to answer that question.

Question. Was he a member of the legislature of North Carolina?

Answer. I decline to say that.

Question. Was he a member of the bar?
Answer. I decline to say.
Question. Was he a leading man in the State?
Answer. I decline to say.
Question. Do you decline to give any information which may lead to the identification of that person?
Answer. Yes, sir; that is the sum and substance of it.
Question. What was the offense which he communicated to you as having been committed by the Ku-Klux Klan? Was it murder?
Answer. I decline to answer.
Question. Was it whipping?
Answer. I decline to state.
Question. Did he state to you that he was a member of any of the so-called Ku-Klux organizations?
Answer. I decline to state.
Question. Do you know Henry Ivy, or Ivry, of Orange County, North Carolina?
Answer. I decline to state whether I do or not.
Question. Do you know Abraham, or Abe Hedgepeth, of Orange County, North Carolina?
Answer. I have no hesitation in saying whether I knew Ivy or not; I knew no such man.
Question Do you know any man of the name of Henry Ivry?
Answer. No, sir; I know of no name similar to that.
Question. Do you know Abraham or Abe Hedgepeth?
Answer. Yes, sir, I know him.
Question. Do you know whether he is or is not, or has he at any time told you whether he is or is not, a member of any Ku-Klux organization?
Answer. I decline to answer.
Question. Do you know James Copeland, of Orange County?
Answer. No, sir, I do not.
Question. Do you know whether he is or is not a member of the Ku-Klux Klan, or one of the leaders of the Klan in that county?
Answer. I decline to answer.
Question. Have you ever heard of Henry Ivy or Henry Ivry?
Answer. No, sir; I know no man of any such name.
Question. Have you ever heard of James Copeland?
Answer. No, sir.
Question. Yet you decline to answer whether he is or is not a member of the Klan?
Answer. Yes, sir; because to do so would lead to an affirmative by a series of negatives.
Question. Do you know William Andrews, of Orange County, North Carolina?
Answer. No, sir, I do not think I do. I know some people of the name of Andrews, but I do not remember any one of them named William.
Question. Do you know whether William Andrews is a member or a chief of any Ku-Klux organization in that county?
Answer. I decline to answer.
Question. Do you know Jesse Morrow?
Answer. No, sir; but I have heard that name.
Question. Do you know of such a man living in Orange County?
Answer. I think there was a man there of that name.
Question. Do you know whether he is or is not a member of a Ku-Klux organization, or whether he is or is not a chief in command of one of the divisions or klans in that county?
Answer. I decline to answer.
Question. Do you know Nat. Williams, of Orange County?
Answer. I think I do.
Question. What is his occupation?
Answer. If he is the man I am thinking of he is a wheelwright.
Question. Where does he live?
Answer. I am not sure whether he lives in Orange County or in Chatham County.
Question. Do you know whether he is or is not a member of the Ku-Klux organization, and a chief of one of its divisions or Klans?
Answer. I decline to answer.
Question. I believe you said you knew Abraham Hedgepeth?
Answer. Yes, sir.
Question. What is his occupation?
Answer. Well, sir, I don't believe he has any.
Question. Is he a wealthy man?
Answer. No, sir. He has been at farm-work, I think. I see him when I go to Hillsboro', but he never seems to be doing anything.

Question. Does he live in the town of Hillsboro'?
Answer. Yes, sir.
Question. Lives without work?
Answer. I do not know how much work he does. I do not often go to Hillsboro', but my impression is that he does not do a great deal of work.
Question. You say that he has no occupation?
Answer. Not that I know of.
Question. Do you know Fletcher Freeland?
Answer. Yes, sir.
Question. Where does he reside?
Answer. At Durham, a station on the North Carolina Railroad.
Question. What is his occupation?
Answer. He is a merchant.
Question. Is he or not a member of the Ku-Klux organization, and a leader of one of the klans in Orange County?
Answer. I decline to answer.
Question. Do you know Samuel Johnson?
Answer. I do not know any such man. Though my residence is in Orange County, I have not been in the county a great deal. I have been there probably less than I have been at other points. I have gone there to reside only since the war.
Question. Do you know William Minor?
Answer. I have heard that name; I do not know the man.
Question. Have you heard of him as a member of the Ku-Klux organization?
Answer. I decline to say.
Question. Do you know Taylor Sikes or Likes?
Answer. No, sir.
Question. Do you know Morris Ivy?
Answer. No, sir, not that I know of.
Question. Do you know Alpheus Pickard?
Answer. No, sir.
Question. Do you know Calvin Snipes?
Answer. No, sir.
Question. Do you know Brack Quackenbush?
Answer. No, sir.
Question. You do not know those persons?
Answer. No, sir, I do not know any of them.
Question. Do you know Frank Clark, of Orange County?
Answer. No, sir.
Question. Do you know John Durham?
Answer. I know some Durhams, but I do not know their Christian names.
Question. Where do they live?
Answer. I think some of them live at White Cross, about eight miles west of Chapel Hill.
Question. Do you know whether any persons of the name o Durham are members of the Ku-Klux organization?
Answer. I decline to answer.
Question. Have you met any of them in the councils or camps of the Ku-Klux organization?
Answer. I decline to answer.
Question. Do you know William Workman?
Answer. I knew one man in my life of the name of Workman; what his Christian name was I do not know. I have not heard of him for years.
Question. Did he live in Orange County?
Answer. He did; I do not know whether he is now living or not.
Question. Do you know any Robinson?
Answer. I knew one man of the name of Robinson.
Question. Where does he reside?
Answer. The one I refer to lives on New Hope Creek, where the creek crosses the road from Hillsboro' to Chapel Hill.
Question. I have asked you whether you knew Abraham Hedgepeth, and you say you do?
Answer. Yes, sir.
Question. Have you, as the chief of the organization of White Brotherhood for the State of North Carolina, ever issued to Abraham Hedgepeth, or given to him, any orders as a subordinate commander in that organization?
Answer. I decline to answer any of those questions.
Question. Are you, or are you not, the commander-in-chief of the organization of the White Brotherhood in the State of North Carolina?
Answer. I decline to answer all of those questions, for the reason I have hitherto assigned.

Question. Do you know whether F. N. Strudwick is a member of the organization in the State of North Carolina?

Answer. I decline to answer that question.

Question. Were you the clerk of the senate of the North Carolina legislature during its last session?

Answer. Yes, sir.

Question. How many members of that senate do you know to have been members of either branch of the Ku-Klux organization?

Answer. I decline to answer that question.

Question. Were you informed by F. N. Strudwick, or by any other member of the North Carolina legislature, or by any member of the Ku-Klux organization, that he, F. N. Strudwick, was instructed to present resolutions of impeachment in pursuance of any agreement among the members of the Ku-Klux organization?

Answer. No, sir.

Question. Have you ever had any conversation with any one on that subject?

Answer. No, sir.

Question. Was the subject ever discussed in any meeting of the Ku-Klux organization at which you were present?

Answer. I will say this, that, so far as I remember, I cannot now recollect that I ever heard the suggestion before.

Question. I will repeat the question, and I desire an answer to it. Was the subject ever discussed in any meeting of the Ku-Klux organization at which you were present?

Answer. Well, sir, that forces me to decline to answer the question, for the same reason that I have hitherto declined to answer such questions. Put it in another shape, and I will have no hesitation in answering the question, but in that shape I decline to answer it.

Question. Do you know William Andrews?

Answer. No, sir. I stated just now that I knew some persons of the name of Andrews; but I do not know that I know any one of the name of William Andrews.

Question. Have you, as commander-in-chief of either the Constitutional Union Guards, the White Brotherhood, or the Invisible Empire, issued orders, or given verbal directions, to William Andrews, as a subordinate commander in the Ku-Klux organization?

Answer. I decline to answer that question.

Question. Do you know Washington Roberts?

Answer. No, sir.

Question. Do you know John McCauley?

Answer. There is a family of McCauleys in the county; and it strikes me I have known a man named John McCauley, but I am not sure.

Question. Do you know him as a member of either of the branches of the Ku-Klux organization?

Answer. I decline to answer the question.

Question. Do you know Knox Wood?

Answer. No, sir.

Question. Do you know A. P. Cates?

Answer. I know some persons of the name of Cates; but I cannot recollect any of that name.

Question. Did or do you know him, or any member of that family, as a member of the Ku-Klux organization?

Answer. I decline to answer.

Question. Do you know J. Cooley?

Answer. I think I do.

Question. Where does he reside?

Answer. At Hillsboro'. I know a young man of the name of Cooley, and I think his name is James; I am not certain. If he is the one referred to, he is a telegraph operator at the depot.

Question. Is he a member of the Ku-Klux organization?

Answer. I decline to answer.

Question. Is there any other man of the name of Cooley than this one?

Answer. Not that I know of. The only man of the name of Cooley that I know is the telegraph operator at Hillsboro'.

Question. Do you know J. Carmichael?

Answer. I know a man of the name of—— I do not know what his name is. He is an old man residing in Hillsboro'; a tailor.

Question. Is he a member of the Ku-Klux organization?

Answer. I decline to answer.

Question. Do you know William Roberts?

Answer. No, sir.

Question. Do you know Dr. Holt?

Answer. I know Dr. E. M. Holt.

Question. Where does he reside?

Answer. In the northeastern part of the county.

Question. Have you met him as a member of the Ku-Klux organization, or of either of its branches?

Answer. I decline to say.

Question. Do you know whether he is a member of such an organization?

Answer. I decline to say.

Question. When did you first learn of the institution, in the State of North Carolina, of any branch of the Ku-Klux organization?

Answer. I decline to say.

Question. Have you any knowledge of when it was first instituted in that State, or by whom it was then instituted?

Answer. I decline to say.

Question. Have you been in communication with the commanders of the Ku-Klux organizations in other counties than Orange County?

Answer. I decline to answer.

Question. Are there, in various counties of the State of North Carolina, organizations popularly known as Ku-Klux organizations?

Answer. I decline to say.

Question. Is there a State organization controlling the subordinate organizations in the various counties?

Answer. I decline to answer that question.

Question. Have you any knowledge of who are or who have been the officers of the supreme or grand council, or the governing power, whatever it may be called, of that organization in the State of North Carolina?

Answer. I decline to answer.

Question. Is the purpose of that organization in North Carolina a political one?

Answer. I decline to answer.

Question. Are you a member of any organization which has for its object the overthrow of the reconstruction measures of Congress, or the nullification of the fourteenth and fifteenth articles of amendment to the Constitution of the United States?

Answer. I decline to answer any question touching those things.

Question. Have you any knowledge of the extent of any organization of that character in the State of North Carolina?

Answer. I decline to say whether I have or not.

Question. Is it not within your knowledge that the murder of prominent republican politicians in the county of Orange has been decreed in the subordinate councils of the Ku-Klux organization, and that those decrees have been carried into effect?

Answer. I decline to state whether I have any knowledge or not in reference to that.

Question. Is it not within your knowledge that the whipping of prominent republican politicians in the county of Orange has been decreed in the subordinate organizations of the Ku-Klux Klan, and that those decrees have been carried into effect for the purpose of intimidating them and preventing them from exercising fully their political rights?

Answer. I decline to answer any question touching that matter.

Question. Have you any knowledge of any organization in the State of North Carolina which has interfered with the rights of person or of property of citizens, in pursuance of the purposes and decrees of that organization?

Answer. I decline to answer.

Question. Has the existence of such organizations been communicated to you by persons who are or have been members of such organizations?

Answer. I decline to answer.

Question. Have you a knowledge of who are the leading members of what is popularly called the Ku-Klux organization in the State of North Carolina? If you have, give us their names.

Answer. I decline to say whether I have any such knowledge or not.

Question. Do I understand you to say that you decline to answer any and all questions that may be put to you touching the existence, extent, purposes, or members of what is popularly known as the Ku-Klux organization, or of any of its branches?

Answer. Yes, sir, that is my purpose. I decline to furnish any information whereby I can be affected criminally under the laws of North Carolina, as declared by the judges of our supreme court.

Question. It is proper that I should state to you that I have put these questions to you in pursuance of my duty as chairman of this committee, and with the view of having them and your answers reported to Congress, for the purpose of having action taken in reference to your refusal to obey its authority.

Answer. I understood that to be the purpose. I disclaim expressly any intention of disrespect to this committee, its authority or the authority of Congress. I desire to say that I prefer to rely upon the clause of the Constitution which, as I consider, exempts me from testifying in a matter of this sort, rather than upon the act of Congress which says it is my duty to testify. In my judgment there is a conflict between

the two, and I prefer to rely upon the constitutional provision. I am, of course, willing for the matter to be decided by the proper authorities.

By Mr. BLAIR:

Question. I understand you to say that your refusal to answer is upon the ground that you do not wish to subject yourself to a criminal prosecution?

Answer. Yes, sir.

Question. And for that reason, and that alone, you refuse to answer any of these questions?

Answer. Yes, sir, I decline to answer any or all of them, either direct or indirect.

Question. I understand the scope of the decision of the judges of your court is to the effect that a person who is a member, or who has ever been a member, of any of those organizations, is for that reason liable for any deed which may have been committed by the order, whether he was present and aiding in it or not?

Answer. That, I understand, is the language of his honor Chief Justice Pearson, that simple membership involves an entire responsibility, although the man did not participate in the act.

Question. And had no knowledge of it?

Answer. And had no knowledge of it in any shape or form, as I understand it. And I also understand that he is sustained in that by the associate judges; that he bound over a Dr. Tarpley in the sum of $10,000 to answer a charge of murder, solely upon the ground that he was a member of one of those organizations, without having participated in any specific act. That is my understanding of the State law of North Carolina.

By the CHAIRMAN:

Question. I understand you to say that it is in view of that decision that either membership of the organization, or knowledge of its purposes or operations, renders you liable to criminal prosecution, you decline to answer the questions which have been put to you?

Answer. No, sir; I said that simple membership, without the knowledge of the commission of any act in any shape or form, involved a man in responsibility.

Question. You say that was the decision of Chief Justice Pearson?

Answer. Yes, sir.

Question. And it is in view of that decision that you decline to answer these questions?

Answer. Yes, sir; it is in view of that decision that I decline to answer. But the decision does not go to the extent that a man must have knowledge of the act to be inculpated.

Question. I will ask you another question. Are you aware that common repute has designated you as the commander-in-chief in the State of North Carolina of the organization known as the White Brotherhood?

Answer. No, sir, I was not aware of that; not of that organization.

Question. Are you aware of the fact that in public reputation you have been named as the commander-in-chief of either of the branches of the Ku-Klux organization; the White Brotherhood, the Constitutional Union Guards, or the Invisible Empire?

Answer. The one with which I have heard my name connected is what is called the Invisible Empire.

Question. You have been aware of the fact that that position is attributed to you by the public in North Carolina?

Answer. By a certain portion of the public, yes, sir.

Question. Being aware of that fact, and being aware, moreover, of what I assume to be the fact, that public reputation charges that organization with many criminal offenses, I will ask you this direct question: Are you now, or have you been at any time, the commander-in-chief of that organization in North Carolina?

Answer. Well, sir, without admitting whether I am or not correctly charged, I decline to answer that question.

Question. Are you aware of the fact that the Invisible Empire is charged with the commission, through its subordinate authorities, of many violations of law, such as the murder or the whipping of individuals?

Answer. Well, sir, I cannot say that I am aware that it is charged with many. I think the recent outrages in Rutherford County have been attributed to what they call the Invisible Empire; but my impression is that none others have been attributed to that organization; that is my impression.

Question. Is that because of the fact that the Invisible Empire is the most recent form that the Ku-Klux organization has taken, and that the others were the forms under which it previously existed?

Answer. Well, sir, you understand my purpose in declining to answer these questions. It seems to me, with all due respect, that this is just going back to the same point where we started.

Question. I desire that a gentleman occupying the position you do in your State

shall not leave us in ignorance of our purpose and design, which is that you shall have a knowledge of what is charged, and an opportunity, if you desire, to exculpate yourself under oath.

Answer. Yes, sir; I appreciate that.

The CHAIRMAN. I have nothing further to ask. But in the presence of the witness I will state, that although the joint committee has just adjourned, still, as the members are in town, I think it advisable that in a case of this sort they should meet and adopt a resolution authorizing the report to Congress of the fact that this witness has refused to answer the questions of its committee. If it can be done, I shall be inclined to call the committee together for that purpose. I did not anticipate any such necessity when the committee adjourned.

Mr. BLAIR. You cannot report this witness to Congress before the meeting of Congress, and there will probably be a meeting of the committee before that time.

The CHAIRMAN. I could not call a meeting of the committee for to-day, of course; but I can ascertain whether a quorum of the committee will remain in the city until Monday.

Mr. BLAIR. Even if you could get the committee together, I do not think you would expedite the matter any.

The CHAIRMAN. Perhaps not, further than to apprise the witness of the determination of the committee in the case.

By Mr. BLAIR:

Question. When did you leave Raleigh?

Answer. I left there last Tuesday morning.

Question. Were those trials then progressing there?

Answer. Yes, sir; so I understood.

Question. Have you been present at any of those proceedings?

Answer. No, sir, I have not.

Question. How many parties have been arraigned there; do you know?

Answer. I understood there were several hundred witnesses and defendants in Raleigh. I think I heard one hundred mentioned as the number of defendants, but I am not positive about that.

Question. All of them from Rutherford County?

Answer. Or from that portion of the State. I think there have also been some people from Chatham county arrested and brought there. I know, further, that there were threats of arrests in Orange County; with what foundation I know not.

Question. What is the result of those trials?

Answer. I learn from telegrams published in the papers of this city that eight, I think, have been convicted, and two or three acquitted; and that those convicted have been sentenced to the penitentiary, some of them for six years, and fined $5,000 each, and others for shorter terms and fined a less sum.

Question. Who were the parties convicted?

Answer. The only two names I can now recall are of parties named Shotwell, one Randolph A. Shotwell, and the other F. A. Shotwell, I think, neither of whom do I know. I cannot recall the names of the other parties.

Question. Those trials are under what is known as the Ku-Klux law passed by Congress last spring?

Answer. That is my understanding. The court is held by Judge Bond and Judge Brooks.

By Mr. POOL:

Question. The circuit court of the United States?

Answer. Yes, sir. I think it is a special term.

By the CHAIRMAN:

Question. The trials are still in progress?

Answer. I do not know of my own knowledge, but my impression is that they are; I know by telegrams.

Question. You have the same information in regard to that that you have in regard to the result of the trials in the cases to which you have referred?

Answer. Yes, sir.

Question. You say that you do not know either of the Shotwells?

Answer. No, sir; I do not know that I ever met either of them in my life.

Question. Did you ever know either of them as members of the Ku-Klux organization?

Answer. I decline to answer that question.

Question. Had you any knowledge of the offense for which they have been tried, either before it was committed or afterwards, by communications from any one?

Answer. I decline to answer all such questions.

The CHAIRMAN. [To witness.] That is all. We dismiss you for the reason that no action can be taken for your detention until the matter has been reported to Congress.

WASHINGTON D. C., *Friday, December* 8, 1871.

DAVID SCHENCK sworn and examined:

The WITNESS. I desire to place upon record here certain telegrams, as I had been summoned here, and it has been charged upon me that I have been recusant and tardy. I should like, in the beginning of my testimony, if that matter is to be brought out, to state the fact, so that I may be properly placed before the committee. I have never refused to come, and I have three telegrams here which I wish to submit.

The CHAIRMAN. To relieve you of all difficulty on that subject, as you were subpœnaed here, I believe, at the instance of the minority of the committee, I will request General Blair to conduct your examination, and he can bring out what he pleases on that subject.

By Mr. BLAIR:

Question. State your name, residence, and occupation?

Answer. David Schenck. I reside at Lincolnton, Lincoln County, North Carolina. I am a lawyer by profession, and have been practicing there since 1857—fourteen years.

Question. State, if you please, if you have been previously summoned before this committee, and all the facts and circumstances attending that matter.

Answer. On the 22d of July, 1871, on my return from Gaston court, I found at Lincolnton two telegrams for me, both received on the same day, one dated July 12, 1871, stating that I was wanted here on the 19th of July as a witness by the congressional investigating committee. The second one was dated July the 19th, stating:

"Some days since you were summoned to appear here as a witness before the congressional committee investigating southern affairs. Did the summons reach you, and when may you be expected?"

I replied on the 24th of July, 1871, by letter to John W. French, Sergeant-at-Arms, stating that his telegrams of the 12th and of the 19th both reached me on the 22d together; that I had received no other summons. He used the word "summons." I thought perhaps a summons might have been issued to me. I told him I could not attend then, as I was at Charlotte court, and next week I would be at Catawba, but after that I would be at the service of the committee. In reply to that letter I received a telegram dated July 31, stating:

"The congressional committee have decided to excuse you from attendance here as a witness."

By the CHAIRMAN:

Question. Have you Mr. French's letter?

Answer. Yes, sir; here is the letter, or a copy of it.

Question. Is what you have given the whole of the letter—that they decided to excuse you?

Answer. That is all that is in the telegram.

The CHAIRMAN. The clerk has handed to me what is of record in reference to Mr. Schenck.

Mr. BLAIR. The witness wants it in his testimony.

The WITNESS. I desire it in my testimony, to use it among my friends.

The CHAIRMAN. This will be printed in the record of the testimony.

The WITNESS. I want it incorporated in my own testimony, though.

The CHAIRMAN. I will read it. The Sergeant-at-Arms says in his testimony before the committee, July 31, 1871, in relation to summoning witnesses:

"I was also directed to call Mr. John Manning, jr., and Mr. D. Schenck, of North Carolina. From them I have received the following letters:

After Mr. Manning's letter, appears the following:

"LINCOLNTON, NORTH CAROLINA, *July* 24, 1871.

"JOHN R. FRENCH, sr.,

"*Sergeant-at-Arms to C. I. C.:*

"DEAR SIR: Your telegram of the 12th, stating that I was wanted by the congressional committee on the 19th, and your telegram of the 19th inquiring if the first was received, both reached here together by mail on Saturday last, the 22d. I have received no summons from any one further than these telegrams. In the last, you inquired when 'I may be expected.'

"I cannot come this week, as I have to attend superior court at Charlotte, and Monday week have to be at Newton, attending superior court, and I cannot therefore attend until after that time without great sacrifice to my professional interests, and great inconvenience.

"Yours, &c.,

"D. SCHENCK."

I believe that is all that is here on the subject. In view of that record, if there is anything more you desire to say, go on and state it.

Answer. Is my answer now recorded as to dates?

Question. Yes, sir.

Answer. I desire to state, further, that subsequent to receiving this telegram of the 31st of July, I addressed another letter to Mr. Beck. I saw he was in the city of Washington by the newspapers, and I addressed a letter to him, stating that I had leisure then until the 8th of October, and hoped he would have me summoned during the interval of my courts. I had no reply, and the next notice I had was by subpœna from the Sergeant-at-Arms.

Question. The main point is that this notice was an excuse to you, and that when notified afterwards, you appeared?

Answer. Yes, sir; but it has been charged in the political papers that I refused to come, and I desire to be properly placed on the record. I especially desire the telegram of the Sergeant-at-Arms, which says I am excused as a witness, to be recorded. It does not say to what time, and I afterwards sought to know what time would be convenient. I have never refused to come. The letter to Mr. Beck is dated September 23, telling him I was ready to come.

By Mr. BLAIR:

Question. It has been charged by some witness here, I have forgotten which one, that you were a member of the White Brotherhood, or Constitutional Union Guards, or Ku-Klux, or something of that kind, and supposed to be the leader or chief in your county. I want you to answer whether you have had any connection with that matter; and if any, what?

Answer. Well, sir, I will try to give you a detailed statement of my connection with that matter. I will give it to you clearly and deliberately, so that there will be no mistake in regard to it. As to the Constitutional Union Guards and White Brotherhood, I never heard of them until the trials at Raleigh, after Holden's proclamation of martial law. That was the first I ever heard of the White Brotherhood or Constitutional Union Guard. I never saw its oaths nor knew anything about its secrets. As to the charge that I was chief of any organization, that is—I hope I may be permitted to characterize that as a falsehood. It originated with my political enemies, and was circulated by one George W. Logan, of our district. I have been credibly informed and believe, and I think I shall be able to prove, that he has offered base and dishonorable inducements to prisoners under arrest to swear to these facts. I can give instances, if called upon by the committee. I know he circulated it in North Carolina very generally, and that is the reason I desire to mention his name. He took a prisoner out of jail at 12 o'clock at night, and offered him amnesty and pardon if he would swear enough to convict me. Another person, a deputy marshal of the United States, stated in a public crowd that he was authorized by Judge Logan to say that any man who would swear enough to convict me of being chief of the organization in Lincoln County should have amnesty and pardon.

The CHAIRMAN. I prefer that your testimony should be confined to what has been stated before the committee.

The WITNESS. The General said it was charged against me. He did not mention the name of the witness. I do not know who did it here. I do not think any respectable man believes it. I will state further; you desire to know my connection with this organization?

Question. (By Mr. BLAIR:) Or any secret organization?

Answer. I was a member of a secret organization in 1868.

Question. Go on and state the facts in regard to that.

Answer. Well, sir, in October, 1868, I was canvassing for Seymour and Blair, and I was informed by a friend of mine that there was a secret political organization in the country for the purpose of promoting the interests of the democratic party, and I was asked to join it. It was at a time when the republican party had three secret organizations in operation in the State, the Union League, the Heroes of America, and the Red Strings. They had a paper called the Red String, printed at Greensborough, edited by Mr. Tourgee. Our friends thought it was proper to organize a secret society for the purpose of counteracting that influence. I refused to join it because I had made speeches against secret political societies, and was opposed to them on principle. After the solicitation of my friends, who came to me, I stated to them that I feared that these secret societies would lead to violence in the community, as I had heard of such things in Tennessee. I was again assured that that was not the object or purpose of it, but merely a secret political society to promote the interests of the democratic party. In order further to convince me that no violence was intended, the obligation was given to me before I joined it. I will give you the obligation. It was substantially the obligation published by the military authorities at Yorkville, South Carolina, and reads, I think, about in these words, viz:

"I, (name) before the Immaculate Judge of heaven and earth, and upon the Holy

Evangelists of Almighty God, do, of my own free will and accord, subscribe to the following sacredly binding obligations:

"First. We are on the side of justice, humanity, and constitutional liberty, as bequeathed to us in its purity by our forefathers.

"Second. We oppose and reject the principles of the radical party.

"Third. We pledge mutual aid to each other in sickness, distress, and pecuniary embarrassment.

"Fourth. Females, friends, widows, and their households shall ever be special objects of our regard and protection.

"Fifth. Any member divulging or causing to be divulged any of the foregoing obligations shall meet the fearful penalty and traitor's doom, which is death, death, death!"

I took that obligation, sir.

By the CHAIRMAN:

Question. What do you read from?

Answer. From the North Carolina Era, the republican paper published at Raleigh, North Carolina.

Question. Of what date?

Answer. November 16, 1871. I had not seen the obligation from the time I took it there; but I think that is substantially the obligation. There is a constitution published with that. I knew nothing about that constitution. I think the constitution has some reprehensible clauses in it. If I had seen the constitution I should not have joined the organization at the time. [See the constitution referred to at the end of the testimony of this witness.] I will state that I was not in a meeting of the Klan when I joined this organization. There were six or eight, or ten persons present; I do not know how many. Before I took the obligation, I asked the persons present if I was expected to do any violence, or if any violence was expected to be committed by me, directly or indirectly. I was assured that there was not. I have since made inquiry of those persons where I joined it, and they told me that no one ever connected with the organization at that place has ever committed any violence; none has ever been committed by them. I never was present at any other meeting of this society as a society. About Christmas, 1869, after some barn-burnings had occurred in the county of Gaston, and there had been some retaliation on the part of others, a few of my friends came to my office in Lincolnton ——

By Mr. BLAIR:

Question. By whom were the barns burnt, as you understood?

Answer. I will come back to that, General. Allow me to get these dates properly for my own purposes; they might get confused a little. They came to my office stating that they feared there was a secret society which would lead to some injury, by retaliation on both sides, and suggested that a few prudent men should organize for the purpose of controlling it. I told them I would not consent to it unless each man would pledge himself to do all he could to prevent violence and to commit no violence himself. I think we had some two or three meetings at my office, but before the organization became completed there was an outrage committed near the village, and I immediately went to my friends and told them I would have nothing more to do with the organization. I notified them publicly about the 1st of February, as near as my recollection serves me, in 1870. I went to my friends and told them I would have nothing more to do with the organization. From that time my connection with it ceased. I never was the chief of Lincoln County nor any other county. I never held an office in the organization, and I have never, directly, or indirectly, or remotely, or in any other way, committed an act of violence or connived at it, or aided or abetted, in any way, in it. I desire to make the language as strong as possible. As soon as I found that violence would be committed I left the organization immediately. Since that time I think the organization has been perverted to very bad purposes, and I think the members of it who have perverted it deserve severe punishment. I have no apology to make for them. If I were a judge I should punish them severely myself. I have no apology to make for their crimes. I would like to state further that since February I have used my influence to disband this organization, and in three instances I have succeeded in disbanding Klans which I was informed were committing these outrages. I have been publicly thanked by the leaders of the republican party for my action. They thought I had some connection with it—controlled it in that way.

Question. You stated that there had been instances of barn-burning and other violence committed for which there was retaliation?

Answer. Yes, sir.

Question. By whom was this barn-burning committed?

Answer. Well, sir, I do not know who did it. The first barn-burnings that came under my observation were in the county of Gaston, which borders on the South Carolina line between Lincoln County, North Carolina, and York County, South Carolina.

In the spring of 1869—wait a little until I get my dates right, [producing a document.] I prepared this matter before I left home.

By the CHAIRMAN:

Question. Will you let me look at the paper containing that oath?

Answer. Yes, sir. I have several other oaths here which I desire to lay before the committee. That one is marked the South Carolina oath. I think it was in the spring of 1869 the dwelling-house of a man named H. R. Huffstetler, in the county of Gaston, was burned. A short time after that the dwelling-house of the Rev. J. R. Peterson was burned, perhaps in the summer of 1869. I think that there were three or four persons who were scourged in November or December of that year, as near as I can recollect.

By Mr. BLAIR:

Question. By whom was it charged that these burnings were committed?

Answer. Just let me get through with the whole of them first. In the latter part of January I was in the town of Dallas, Gaston County.

By the CHAIRMAN:

Question. January, 1870?

Answer. Yes, sir; I think it was in the last of January, 1870. I was in the town of Dallas one night and was awakened by the cry of fire, and I went out in the court-yard, when I saw three barns burning at one time, all the work of incendiaries. They were seen to leave the barns, I believe. These barns belonged to prominent men of the democratic party. After that retaliation commenced on both sides. There has been a great deal of violence committed on both sides from that time to this. You asked who this was charged to?

By Mr. BLAIR:

Question. Yes, sir; I would like to know by whom it was alleged that these barns were burned.

Answer. They were charged to have been burned by members of the Union League. It was charged that there was a meeting held in the town of Dallas, at the house of a colored man who formerly belonged to a relation of mine. The colored man's name was William Schenck. It was charged that these barns, or that the burning at that particular time in January, emanated from that meeting. I do not know how that matter was, but I do not think that the white men who belong to the republican party instigated it. I think that if it was done by any of that party at all it was done by the negroes. I have too much respect for some of the men who belong to that party to charge it upon them, and I do not desire to be so understood.

Question. Were these crimes only committed against members of the democratic party in Gaston?

Answer. You mean the scourgings?

Question. These burnings?

Answer. Yes, sir; I can give the names. I think about nine barns were burned in all. I saw three burning at one time. Nine were burned in the course of one week. The largest one belonged to Mr. James H. White, a democratic senator. Perhaps Mr. Pool knows him; he may have served with him. Another belonged to a Mr. Jenkins, who was a democrat, and a third to a widow woman named Clemmer, whose son was a zealous democrat, and lived with his mother. I do not believe I can recall any other names now.

Question. Were these incendiary fires prior to any scourgings?

Answer. Yes, sir; they were in Gaston County. The burning of Huffstetler's house and Peterson's house were the first violences that took place in Gaston County. It was different in Lincoln County. There were no burnings committed there; there were other offenses committed.

Question. Were Huffstetler and Peterson both democrats?

Answer. Yes, sir.

Question. Is it your recollection that all these persons whose property was destroyed at or about that time were democrats?

Answer. Yes, sir, without exception, so far as I was able to learn. Another man's name I now remember—Mr. Frank Thompson. His smoke-house was burned and his house was fired; but they succeeded in extinguishing the fire in the dwelling-house.

Question. Do you believe that this organization of which you spoke in Gaston County was formed for the purpose of putting a stop to these crimes—to this incendiarism?

Answer. No, sir; that is not my belief about the origin of it. I think it originated as a political society. I think that the members of it afterward retaliated. After those barns were burned I think the members of it commenced retaliation. I left it in February, and had no connection with it afterward. I used all my personal influence for the purpose of disbanding both societies. I think, though, that the society was a political one in its origin. I was so instructed when I joined it. I should not have

joined it if I had thought it had any object for the purpose of violence. I quit it just as soon as I saw its tendency.

Question. Do you know anything about what are called the Justice and Biggerstaff raids?

Answer. No, sir; I do not practice in the county of Rutherford. I have a very slight acquaintance with Mr. Justice, and know nothing in the world about either one of them. I do not know a dozen men in the county of Rutherford. Not practicing there, I know very few men there. I know nothing about the working of the order, or anything in regard to its secrets or action. I am entirely ignorant of that; and I desire to state there further—it may come in there perhaps—there was an attempt to connect me with that thing in the investigation at Raleigh, by asking if some of the parties did not come from Lincoln County. I desire to state that I was not a member of it at that time, and did not know anything of its operations. In regard to this oath developed at these trials, the Shotwell oath, as we called it in North Carolina, I never saw or heard of that oath until it was developed in that trial. There were two clauses in that oath that I never could have been induced to take: one to obey the orders of the chief, and one to punish. I never heard of that until it was developed in that trial. There is another oath also published, of which I have a copy here, marked the Leach oath, which it is generally charged General Leach took. I desire to state that I never knew anything of either of those obligations.

By the CHAIRMAN:

Question. Having disclaimed taking these oaths, do you desire to have them copied into your testimony?

Answer. Yes, sir. The Shotwell oath is as follows:

"I, before the great immaculate God of heaven and earth, do take and subscribe to the following sacred and binding oath and obligation: I promise and swear that I will uphold and defend the Constitution of the United States as handed down by our forefathers, in its original purity. I promise and swear that I will reject and oppose the principles of the radical party in all its forms, and forever maintain and contend that intelligent white men shall govern this country. I promise and pledge myself to assist, according to my pecuniary circumstances, all brothers in distress. Females, widows and their households, shall ever be specially in my care and protection. I promise and swear that I will obey all instructions given me by my chief; and should I ever divulge, or cause to be divulged, any secrets, signs, or passwords of the Invisible Empire, I must meet with the fearful and justful penalty of the traitor, which is death—death—death, at the hands of the brethren."

The Leach oath is as follows:

"You solemnly swear before Almighty God that you will never turn State's evidence against any brother for any act or deed done by him, in any court or courts whatever; that you will be true to the principles of this brotherhood, and to its members; that you will never reveal any of its secrets, edicts, or orders; that you will never make known to any one not a known member of the brotherhood that you are yourself a member, or who are members; that you will never assist in initiating, or allow to be initiated, if you can possibly prevent it, any one belonging to the Union League or H. O. A., or any one holding radical views or opinions; that, should any member of this brotherhood or his family be in danger, you will inform him or them of such danger, and, if necessary, go to his relief; that you will oppose all radicals and negroes in their political designs; that, should any radical or negro impose upon, injure, or abuse a member of this brotherhood, you will assist in punishing him in any manner the camp may direct; that you will obey all calls and summons from the chief of your camp, so far as it is in your power to do so; judging from this your obligation; that you will never give the word of distress unless you are in the greatest need of assistance; and that, should you hear it given by a member, you will go to his assistance; and that, should any member reveal or make known any of the secrets, acts or deeds, or order of the brotherhood, you will assist in punishing him in any manner the camp may direct or approve. So help you God."

By Mr. BLAIR:

Question. I suppose you know the history of the Biggerstaff case?

Answer. There has been a great deal said about the Biggerstaff case, and I presumed I would be asked about it when I left home. I therefore applied to Mr. John F. Hoke, attorney for Mr. Biggerstaff, for the facts, and I can give you the facts as he gave them to me.

Question. Who was he attorney for?

Answer. He was attorney for Aaron Biggerstaff, the one charged with shooting at Sam Biggerstaff. I know nothing of the facts myself.

Question. Give the facts he stated.

By the CHAIRMAN:

Question. Is it a written statement made by the gentleman you refer to?

Answer. Yes, sir. I did not know which side I was summoned by, but I supposed these things would be referred to, and I therefore prepared myself. I can give that statement. My information is derived from Colonel John F. Hoke, who was an attorney in the case. I can state that from memory, but here is the paper.

By Mr. BLAIR:

Question. It has been usual here for witnesses to be allowed to testify to any information they deemed reliable.

Answer. I was so informed. I consulted with Mr. Lyon, of Charlotte, who said I would be asked not only what I knew, but what I had heard. Supposing I would be asked about these matters, and desiring to be accurate, I asked Mr. Hoke to give me some of the facts. He practices in that county; I do not. I never saw the Biggerstaffs in my life.

Question. Give us the statement of Mr. Hoke.

Answer. It is his statement, not mine. I can give it about as he gave it to me.

The CHAIRMAN. I would prefer that you should give your information from your recollection, as we cannot have the author of the written statement here to cross-examine him.

The WITNESS. Then I can only use it to refresh my memory, and will give it in my own words.

Mr. BLAIR. It would be better to have the paper inserted than his recollection of what is in the paper.

The question being upon the motion of General Blair, shall the witness read the statement above referred to? the motion was agreed to.

The CHAIRMAN. Go on and read the paper.

The WITNESS thereupon read the paper referred to, as follows:

"In the spring of 1870 Judge Logan issued a bench-warrant against Amos Owens, Julius Fortune, William Baber, William Dupriest, Olin Carson, and Alexander McIntyre. In the examination before him, it appeared that a raid was made on Alvin Owens and others some time in February, in the first part of the night. It was snowing. The raiders called at one Magaly's, who was from home. On his return he sent for Aaron Biggerstaff and his sons-in-law, one Ramsey and Holland, and his nephew, and one Webb Tony, and started in pursuit, tracking in the snow by moonlight. The track was followed around to the different places in the neighborhood, until the raiders had separated. Before the Biggerstaff crowd separated, they went to the house of Samuel Biggerstaff, who is a half-brother of Aaron, between whom and Sam there is a feud existing; and Magaly, without notice, broke down the door and fired into the room. Samuel Biggerstaff swore that if he had been lying in his usual bed, he would have been killed; that he, (Sam,) on the gun firing, rushed to the door and cried out, 'What does this mean?' As he showed himself in the door, a gun fired from the corner of the house, next to his kitchen, the ball passing across his breast and near to it, and struck the opposite door-facing. On examination next morning, a track led from the corner of the house, behind the kitchen, to an apple-tree, and thence across the fence into the lane; and that all the other tracks passed out at the gate of the yard. It was in proof that Aaron said that he was in the yard, behind the kitchen, by an apple-tree, during the time. His honor bound to court Amos Owens, Alexander McIntyre, William Baber, and William Dupriest each in the sum of $500, and released Fortune and Carson. The counsel for the defendants then insisted that Aaron Biggerstaff and his crowd should be bound to court for the assault on Sam. His honor bound them in the sum of $100 or $200. At the trial in the fall, Aaron and his crowd were convicted and fined by his honor, G. W. Logan, $30 each. It was said that this disturbance in the neighborhood was caused by some of them reporting on others for illicit distilling."

By Mr. BLAIR:

Question. Then your understanding from Colonel Hoke was that this affair grew out of a personal feud between the parties?

Answer. Yes, sir; that is the most current statement. My understanding of the origin of the difficulty is—and I practice in Shelby, which is the adjoining county to Rutherford—that there were some parties near Cherry Mountain engaged in illicit distilling, who had reported on each other, which produced a feud, and this man McGahey's wife had been ill-treated by them, and he tracked these parties and one of the tracks led toward Samuel Biggerstaff's house. Aaron Biggerstaff was in the party pursuing, and the understanding is that the ball fired from behind an apple tree was fired by Aaron Biggerstaff as he was going to his house. The balance of the crowd went out at the gate and went somewhere else. It is my understanding that it is fixed in the testimony that Aaron Biggerstaff fired that gun.

Question. The impression attempted to be created by witnesses here was that this was a feud growing out of political matters, and that Aaron Biggerstaff and his crowd were republicans, and that the attacks made upon them, not only on this occasion,

but subsequent attacks, grew out of political matters. What is your understanding on that subject?

Answer. I do not think that the Biggerstaff raid grew out of political matters. I think the Justice raid was altogether political. I do not think the Biggerstaff raid was; and I do not think that the general belief is that it was political.

Question. Was not Justice one of the parties engaged in this Biggerstaff matter?

Answer. Yes, sir; I have so understood; I was not present at the trial.

Question. May not the feud which originated between the Biggerstaffs have extended itself to those who were engaged on the other side?

Answer. I cannot say as to that, General Blair. I believe that the general impression is that Justice was whipped on account of his politics being obnoxious.

Question. What do you know about this man Shotwell?

Answer. I do not know anything about him, except from casual acquaintance in 1866. I was introduced to the man; I do not know him if I see him. I never had any conversation or connection with him in my life. I have not seen him since. I went up in 1867 to argue a case in chambers before Judge Logan, and there I saw him in the streets, but have not seen him since, and do not think I would know him if I saw him.

Question. Were there ever any acts of violence committed by disguised men in your town?

Answer. No, sir; there never has been any violence committed in the town. Our citizens have always been opposed to it, and I think that every democrat in the town has used his influence against anything of that kind. I do not think there was ever a disguise in the place, as far as I know.

Question. Has there been any violence in the way of mobbing parties?

Answer. Yes, sir; there has been some rioting there.

Question. What was the character of it, and who were the parties engaged in it?

Answer. Well, sir, in 1868 there were two mobs there upon conservative negroes—men who had joined the conservative club. Their names were Virgil Ramsour and John Abernethy; they were mobbed there by the negroes for belonging to the conservative club. I use the word mobbed; perhaps I had better explain. Their houses were rocked, and, perhaps, the doors broken down; I do not think they were whipped or scourged. On the second attack upon Virgil, there was a meeting of the negroes held—what they called their league; I do not know what was in it; they sent up a party of negroes to arrest Virgil and take him down before the society; he had been a former member of the order; they told him his joining the conservative club was a commission of perjury, and they had orders to send him to the penitentiary unless he went back to the society; he went to the society and was not molested afterward. Abernethy continued his connection with the conservative club, and was mobbed again this summer, and defended himself in his door with a club, and kept them out. A colored boy named Levi Guion, who lived with me, declined to vote at all in the last election, and the night of the election his fence was torn down, and his corn, a little more than an acre, was all cut down with knives or some sharp instruments; he had another town lot I had rented to him near the town; the fence of that was pulled down and cows were turned in, and all was destroyed. A negro boy named Monroe Thompson notified him that if he ever refused to vote again they would punish him severely. I reported the facts to Mr. Bynum, the solicitor there, and he called upon several of the leading negroes and remonstrated with them about such conduct. Those were were the only violences, I believe, ever committed in our town.

Question. Were the negroes ever punished for this violence in any way?

Answer. No, sir; never indicted or punished.

Question. Were the parties known?

Answer. The parties are well known who mobbed Abernethy and Ramsour, but those are not known who did this injury to Levi Guion; I have not been able to find out myself, for I intended to prosecute them, because the boy was a very good boy; he had always voted the radical ticket until this last summer. The morning of the election I offered him a horse to ride to the election; he told me he declined to go, said that he did not want to go; that he was not satisfied which way to vote, and declined to go; I said nothing to him about it.

Question. You state that a negro called on him and notified him that if he ever behaved in that way again he would be punished?

Answer. Yes, sir; that boy is named Monroe Thompson; he is at the head of a society; I do not know what its name is; they have changed its name again; I think they call it the peace society; I never was in one.

Question. Did he admit that he had anything to do with the punishment already inflicted?

Answer. No, sir; he did not say that, but the boy told me he had insulted him for it; had met him on the street and asked him why he did not go to the election; the boy told him he did not want to go; then he cursed him, and told him he would punish him if he did not go.

Question. You stated that those were the only cases of mob violence there?

Answer. All, sir; there never was any other.

Question. All directed against negroes who voted the democratic ticket or declined to vote the republican ticket?

Answer. Yes, sir.

Question. You brought these matters to the attention of the officers, and no attempt has been made to punish them?

Answer. I do not want to say that Mr. Bynum has declined to prosecute; in the last case, that of Levi Guion, I called his attention to it, and told him I could not point out the parties, but asked him as a republican to use his influence with the colored people to prevent such things; and I know he did it. Mr. Bynum sent for, I think, a leading negro there, named Edmund Ward, and talked with him on that subject; I do not want to leave the impression that Colonel Bynum refused to prosecute this man; he is an efficient officer.

Question. In the other case it is known who committed the outrages?

Answer. Yes, sir; they attempted to get Abernethy to come before the United States commissioner and prosecute, but he said he was afraid of his life and declined to do it. The act was committed last summer. The night of the election they surrounded his house with tin-pans and horns, guns and pistols, and told him they had come to ride him on a rail; that he had voted himself back into slavery. He stood behind the door with a double-barrelled gun and said he would shoot the first one that came in. After awhile they went off. The town authorities were deterred from interfering there was such a crowd; the negroes were two or three hundred strong, and marched through the town with torches, with pistols in their hands, cocked; fired at one place at a widow lady's house, greatly to her alarm and to the alarm of her family, no male person being in the house. The demonstrations on that occasion were very bad indeed; the town authorities had not strength to resist it. These men kept up their revelry until twelve or one o'clock, and then went back to what we call Negrotown, about half a mile off. They had organized at their own town, and marched through the village of Lincolnton.

Question. There is a case which has been brought to the attention of the committee, your own case, in the punishment by Judge Logan for contempt.

Answer. Yes, sir.

Question. State the facts in that case.

Answer. Do you desire me to give a history of that?

Question. Yes, a brief history of it. I want to understand the proceedings in the case; it has made some figure here in our testimony.

Answer. If I give it to you at all, it will not take very long, I suppose. I was at Cleveland court April 10, 1871. Court was to have opened there on Monday the 10th. Judge Logan did not come down from Rutherford, and on Tuesday the Biggerstaff raid was reported. It was currently stated there that Judge Logan was afraid to come down to hold court. The citizens held a meeting on Tuesday, and sent an escort with the sheriff to accompany the judge. He declined to come. This produced very great feeling and indignation among the people and the bar, and Colonel Bynum, who was the solicitor, wrote a letter to Judge Logan remonstrating with him about his course, and on Thursday he came down and held court. Lincoln court came on the 24th. Just before that, about the 20th of the month, before the Monday of court, the proceedings of the Senate of the United States, as reported in the New York Tribune, were handed to me by some one on the street. My recollection is the paper was handed to me by some brother lawyer there; in which Mr. Nye had laid before the Senate a communication from Judge Logan. The letter of Judge Logan to Mr. Caldwell was not published, but the substance of it was given in the proceedings, stating that Judge Logan was unable to hold court at Cleveland, and that the civil law could not be administered at Cleveland. I sat down and wrote, under the impulse of the moment, to General Blair, contradicting this statement of facts, and denouncing Judge Logan pretty severely, which letter was published. On May the 8th Judge Logan served a writ upon me to show cause why I should not be disbarred for contempt and libel upon the court. The proceedings in that matter are published in the North Carolina reports, the reports of the decisions in June; the record fully appears there.

By Mr. POOL:

Question. The supreme court?

Answer. Yes, sir, *ex parte* David Schenck. The whole history of the case is set forth there. The rule was served upon me on Monday. I obtained a copy of the statute from the secretary of state at Raleigh; it was not yet published; I obtained a certified copy of the statute, which provides that no lawyer shall be disbarred unless convicted of some criminal offence, or confesses some criminal offense in open court, which renders him unfit to practice his profession. The next day of the court, Colonel Brown, who was appearing as one of my attorneys, proposed to read to Judge Logan the statute, which was a complete answer to the charge, and he declined to have it read in open court; said he would not hear it at all, and continued the case until Saturday.

The statute was read before him; and I believe every member of the bar present, so far as I can recollect, stated to his honor in a speech that the statute was a complete defense and answer to the rule. Each one of them in turn gave his opinion. I recollect and can state some of the speeches, but I do not suppose that is necessary. I only mention this in order to state that this was by both republicans and conservatives; it was no political offense; there was no political difficulty between Judge Logan and myself at all. He continued the rule against me, and I appealed to the supreme court and they reversed his decision and restored me to practice. That difficulty, sir, has nothing in the world to do with politics; it is personal altogether. No such inference as that can be drawn from the letter, I think, and I do not think there is a lawyer in the district who does not hold the same opinion of Judge Logan that I do. I have reason to believe that there is not a lawyer in the district who does not hold the same opinion concerning him that I entertain.

By Mr. BLAIR:

Question. What reason have you to believe that?

Answer. I have a copy here of the memorial that has been presented to the legislature. It is signed by thirty-two lawyers; it is signed by democrats and republicans. I have a copy of it which I should like to file here in order to show that these lawyers agree with me in my estimate of Judge Logan as to his administration of the law. I will state that this memorial is signed by thirty-two practicing and resident lawyers in the district.

Question. Read it.

Answer. I will state further, before reading it, that in the district there are only three republican lawyers; they are William P. Bynum, the solicitor, General Rufus Barringer, of Charlotte, and William H. Bailey, of Salisbury, who practice in that district. Mr. Bailey and Mr. Barringer both signed the memorial, and General Barringer stated in the meeting of the members of the bar, that he was authorized by Mr. Bynum to state that he fully indorsed our proceedings, but on account of his position as soliciter of the court, he thought it was indelicate for him to sign the memorial. There are two other gentlemen who declined to sign it, Mr. Hamilton C. John and Mr. J. M. Whiteside, on the ground that they are senators, and if Judge Logan should be impeached they would have to try him. But I have reason to believe they fully indorse the contents of the memorial. Here is the memorial, a copy of which has been presented to the legislature. I will read it and file it with the clerk, with the permission of the committee. It is as follows:

"At a meeting of the bar of the ninth judicial district, held at Charlotte, and unanimously attended, on the 2d June, 1871, the following preamble and resolutions were adopted:

"Whereas the learning and ability of the judiciary of North Carolina have always been the boast of her citizens and the pride of her bar; and whereas we think that the same high standard of judicial excellence should be maintained if possible, and that the law should be correctly and uniformly administered; therefore,

"*Resolved*, That it is the opinion of the undersigned members of the bar that his honor George W. Logan, judge of the ninth judicial district, is not qualified, either by learning or capacity, to discharge the duties of the office he now holds, and that by reason of his incompetency the course of justice has been impeded, and in many cases justice itself virtually denied; public confidence in the efficiency of the government and the laws has been impaired; crimes have been multiplied, and the administration of law rendered needlessly expensive, as well to the public as to the parties litigant.

"*Resolved*, That the secretary of this meeting be, and he is hereby, instructed to forward these proceedings to the speaker of the house of representatives of North Carolina, immediately upon its assembling in November next, with the view that the same may by him be laid before that honorable body as our memorial, for such action as the exigency of the case may demand.

Joseph H. Wilson, chairman.	Z. B. Vance.
L. E. Thompson.	R. D. Johnston.
John D. Shaw, (Lincolnton.)	A. Burwell, secretary.
R. P. Waring.	W. M. Smith.
Rufus Barringer.	Robert Graham.
H. W. Guion.	Paul B. Means.
W. J. Montgomery.	Joseph Y. Allison.
W. H. Bailey.	H. Cabiness.
J. Edmonds Brown.	P. Durham.
M. A. Moore.	H. D. Lee.
B. C. Cobb.	Lee M. McAfee.
C. E. Grier.	J. W. Gidney.
R. D. Osborne.	J. C. Mills.
C. Dowd.	J. F. Hoke.
D. Schenck.	W. S. Bynum.
R. W. Sandifer.	M. L. McCorkle."

Question. Has that been filed with and acted upon by the legislature?

Answer. Yes, sir; it has been presented to the legislature and referred to a committee of five; so I saw in a paper yesterday; that is my authority for the statement. At that meeting they also passed a resolution which I will here put in for my own vindication. It is but a short resolution:

"At a meeting of the bar, numerously attended, held at Charlotte on the 2d day of June, 1871, the following resolution was adopted:

"*Resolved*, That we do unanimously condemn the action of his honor George W. Logan, in disbarring David Schenck, esq., an attorney of this district, as a gross usurpation of power and a willful violation of the plain letter of the law.

Resolved, That a copy of this resolution be sent to Mr. Schenck as an expression of our sympathy with him.

"JOS. H. WILSON,
"*Chairman.*

"Gentlemen present: Hon. J. H. Wilson, General Rufus Barringer, C. W. Dowd, esq., H. W. Guion, esq., H. C. Jones, esq., General R. D. Johnston, Colonel J. E. Brown, R. P. Waring, esq., Armistead Burwell, esq., Robert Osborne, esq., Columbus Mills, jr., esq., W. H. Bailey, esq., W. J. Montgomery, esq., L. E. Thompson, esq., J. D. Shaw, esq., M. A. Moore, esq., C. E. Grier, esq., B. C. Cobb, esq."

That was introduced by General Barringer, a republican, and passed unanimously.

Question. The memorial states, among other things, as to the incompetency of Judge Logan, that there has been a great increase of crime there recently. Is it the opinion of the bar, and the people generally of the district, that his incompetency has led to many of these disorders?

Answer. Yes, sir; there is no doubt about it; his partisan administration of justice is what is referred to in that memorial.

Question. In what respect is his administration partisan?

Answer. It is partisan because he will not inflict any punishment, or adequate punishment, upon members of his own party convicted of crime. His partiality is so gross as to be observed by everybody.

Question. Do you know any instances of this partisan partiality?

Answer. Yes, sir.

Question. State them to the committee.

Answer. I will state two very recent ones that came under my observation just two days before I was subpœnaed to attend this committee, at the Gaston court this last month. I have not got the date exactly, but it was this last month, at Gaston court. A man by the name of Boyce Weir was indicted for a very violent assault upon a man by the name of Robinson, I think; I may be incorrect about that name. Robinson was introduced as a witness, and swore to the facts. He was at an election; it was in the summer of 1870, while Governor Holden had his militia in the county of Gaston. This man, Boyce Weir, was one of the militia known as Holden's militia, the Kirk militia. He insulted Robinson bitterly; and in the evening this man, Robinson, got behind a man on horseback to go home, and, having got some distance from the election ground, Boyce Weir stepped out in front of them with a drawn pistol and ordered them to stop. The man riding in front stopped the horse. He commanded them to get down. They got down. He told Robinson he had come out there to whip him; and he then beat him very violently, until finally, he said, he got his head between two saplings so that he could not strike him any more. Some persons came up and intervened, and he was rescued from this man Weir. Weir submitted. Judge Logan turned to the witness and asked him what was the cause of the difficulty between him and Weir. He stated that he knew of no cause except that he was a democrat, while Weir was one of the "melish" and a republican.

By Mr. WADDELL:

Question. An officer?

Answer. No, sir, not an officer. Judge Logan just remarked, "Let him be fined a penny and the costs;" and the man was not fined a cent. I mean it was nominal merely; that is, he was fined a penny and costs. The second case was the case of another one with the same militia. That militia was generally composed of very violent, bad men. Their place of rendezvous was a point on the Wilmington railroad, known as Pump Station, near the Catawba river. They came there about five or six o'clock in the evening. There was a very respectable girl, by the name of Sandford, who lived some quarter of a mile from this pump, and in the evening she was sent by her aunt down to the cow-pen to milk; and while there, one of the militia company asked her if she was going back to the house when she got through. She said she was. When she started back, she was intercepted by this fellow. She swore that he put his arms around her and offered her a dollar to submit to his embraces. She refused, and he pinioned her arms behind and endeavored to trip her up. She screamed and hal-

looced so as to alarm three neighbors, one as far off as a quarter of a mile. One of them came so near, coming to her assistance, that this fellow saw him and ran. He then took a little dumpy on the railroad and escaped across the river. He was convicted of this offense, and fined only ten dollars by Judge Logan. Miss Sandford proved as good a character as any girl in the neighborhood. There was no impeachment of her character whatever.

By Mr. POOL:

Question. Was this when the militia were operating in the county as an organization under the State authority?

Answer. Yes, sir. I think that this occurred—though you are as familiar with the dates as I am, Senator—in July, or the first of August.

Question. Eighteen hundred and seventy?

Answer. Yes, sir.

By Mr. WADDELL:

Question. When did the trial occur?

Answer. The trial occurred at the last court.

By Mr. BLAIR:

Question. Is that the character of his administration of justice?

Answer. Yes, sir. I have other instances—you asked for instances—memoranda of other cases as bad, if not worse.

Question. Give them to us.

Answer. One that created considerable sensation at the time was an indictment against one B. F. Hampton, sheriff of Polk County, a republican. A difficulty occurred between him and one Waters. I will read my memorandum, if you rule that to be admissible: The difficulty occurred about politics, in Rutherfordton. Hampton was taking the radical side. They were drunk; and Hampton got Waters down; and while in this position, one Bradley, a brother-in-law of Hampton, struck Waters in the head with a slung-shot, after he was down, cutting a gash two and a half inches long. Doctors swore that the wound greatly endangered his life. He was confined to his room for some time. Hampton was indicted and convicted, and fined fifteen dollars by Judge Logan. No provocation whatever was given by Waters to Bradley. That was one case that created considerable sensation at the time. I took a memorandum of it as I got it from others. I did not see that trial. Another was a case of one Hoffmaster, a merchant of Rutherfordton, who made some remark about the republican party, and one Scoggins, now a deputy marshal, heard of it, went up to the porch of the store where Hoffmaster was, and asked him if he made the remark. Hoffmaster said he never took anything back. He was very drunk at the time.

Question. Was he United States commissioner?

Answer. No, sir. Scoggins then struck him in the face several blows with a slung-shot, and continued to strike him with it until Hoffmaster was badly cut up, and had to be carried into the house. This was the day of the election. Scoggins was fined ten dollars. I have known Judge Logan to fine conservatives one hundred dollars for offenses a great deal less than that.

Question. You mentioned the name of Scoggins. Is he not commissioner?

Answer. Nathan Scoggins is United States commissioner, and Bill Scoggins and Andy are deputy marshals.

Question. They have been engaged in making these arrests?

Answer. Yes, sir; Scoggins has made more arrests than any other commissioner in North Carolina I suppose; three or four hundred, I presume, from what I have heard.

Question. You say that he has made more arrests than any other commissioner in North Carolina?

Answer. Yes, sir.

Question. What is the character of the man?

Answer. Nathan Scoggins, the commissioner?

Question. Yes, sir.

Answer. Well, sir, I do not know much about him. I do not live near enough to him to know much about his private character. He has been on all sides of politics. I know as to his political character he has been on both sides, but I do not know what his private character is. I only know his character from hearing him talked about by members of the conservative party. I do not know anything about his standing with the republican party.

Question. Was he ever a Ku-Klux?

Answer. Yes, sir; I believe that is the general understanding with the people, that he joined it in the spring of 1869; whether he ever left it or not I do not know. He says he left it.

Question. He admits then that he has been in the Ku-Klux?

Answer. Yes, sir; I think so; that is my understanding, that he does not deny it. He belonged to the same one that Plato Durham belonged to.

Question. Joined it at the same place?

Answer. That is the general understanding; I do not know it myself. It has been so published, and not denied by him. That is generally believed, and it is a fact established in that way, though I do not swear to it positively myself.

Question. Do you know of any violence committed by these parties in making arrests?

Answer. Yes, sir; this man Bill Scoggins is a very violent man. He shot a man the other day without any provocation whatever. The commissioner and two marshals were at Gaston court three weeks ago when I was there. They started from Gaston court with one prisoner, to carry him to the county of Rutherford. When they got near a place called Cherryville, on the Wilmington and Rutherford Railroad, they met a man in the road by the name of Sapaugh. They asked his name. He told them his name. Bill remarked to him that he had a warrant for a man named Sapaugh. He asked him which one of the Sapaughs his warrant was for. He told him it did not matter to him; he was his prisoner, and to go with him. Sapaugh asked him to show him the warrant he had. He told him he would not do it; that he was an officer and had a right to arrest him. Sapaugh then started with him, and after they had got some distance, Sapaugh started to run and get away, when he fired upon him with a pistol and shot him, the ball entering just behind the left shoulder and lodging, I understand, in his lungs. He was in a very precarious condition when I left home. Those are the facts I got from parties who had been there, and had seen him on the ground. I did not see it myself. I give it as I received it from respectable men. I also understood that when Scoggins was taking the prisoners to Raleigh, the other day, he went through the cars with a cocked pistol, making all kinds of demonstrations and threats against the prisoners.

Question. Had he any warrant for Sapaugh?

Answer. I do not know; I understood not.

By Mr. WADDELL:

Question. Has he died?

Answer. I have not heard; he was lying at the point of death.

By Mr. BLAIR:

Question. Has anything been done with this man Scoggins?

Answer. No, sir; not that I have heard of. I know further, they arrested several respectable men in Gaston, incarcerated them, refused to allow any attorney to speak to them privately, or to let their friends see them. They would arrest them upon the merest pretexts in the world, and numbers of them were not brought to trial, but discharged without being brought to trial. I know two or three instances of that kind. I was employed by several of them, and these men refused to allow an attorney to see them without the marshal being present; gentlemen of as good character, and far better than they were. They would not allow them to see any one privately.

Question. There have been a great many arrests made in that region of country?

Answer. Yes, sir.

Question. Some trials in Raleigh, convictions and confessions; I want you to state to the committee generally the character of those trials.

Answer. I do not know that I am able to give you any accurate account of the trials. I was not present. I had a great many clients who were indicted, but I thought that on account of my position and the charges made against me, it would be injurious for me to appear in the causes, and I turned them over to my friends at Raleigh. I did not attend the trials. I only know of them from the newspapers, and I would prefer not to speak of them. I only saw it in the newspapers. All I know myself is about the working in my own county.

Question. Give us an account of those arrests, upon what charges they are made, and how the matter is conducted generally.

Answer. Well, sir, I will try to give it to you as near as I can. The first arrests in Lincoln were made upon charges lodged by affidavit before Nathan Scoggins. One Peter Z. Baxter and some six accomplices were arrested for a raid upon one Carpenter, and then one Anderson Davis and some six or seven others were arrested upon the affidavit of a colored man by the name of Wade Frazier. These parties were arrested and carried to Rutherford and imprisoned until the district court met. When they went down there they all confessed their connection with it.

By the CHAIRMAN:

Question. Was this Carpenter the editor of the Rutherford paper?

Answer. No, sir; this is the Carpenter that Colonel Bynum spoke of; you may remember it. I cannot recall his first name now; I think, perhaps, it is Peter.

Question. It is not the editor at Rutherford?

Answer. No, sir, a farmer at the western end of the county. These parties went down

there and confessed their crimes after the Shotwell trial. The Baxters were put in prison, two of them for twelve months and the balance of the crowd for six months. Other parties acknowledged to having committed outrages. I think I heard that one of them had boasted at a camp-meeting that he had committed twenty-four of these outrages. They confessed to twenty-four, I think, not less than that, and they were discharged; they were not punished at all.

By Mr. POOL:

Question. You mean that was by Judge Bond, the circuit judge?

Answer. Yes, sir; they were discharged, not punished at all.

Question. And that was before Judge Bond, the United States judge in the circuit court?

Answer. Yes, sir. I am giving an account of it historically.

Question. I did not know but you were speaking of something before the commissioner?

Answer. No, sir; they were put on trial and plead guilty, and these parties were turned loose upon condition that they would implicate others. They were supposed to know the members of the order, and when Mr. Vest, the United States commissioner, was sent to Lincolnton those men were all used as witnesses; all of them were brought there, the Baxter crowd and the Anderson Davis crowd were both brought there, to act as witnesses against persons they might swear to as being Ku-Klux. I think that some 80 or 90 persons were arrested upon their testimony that they belonged to the order. These men were summoned as witnesses there; they drew a dollar and a half a day as witnesses and were used there for that purpose. They brought the Baxters out of jail for the purpose; they were at large during the time Mr. Vest was there, some two weeks. I think there were eighty arrests of members belonging to the order, and out of that eighty I think some fifty were bound over upon various pretexts, or rather various charges, because many were guilty. Those who had merely belonged to the order were discharged, but these seven men who had committed these outrages were not punished at all; and that is the point I desire to make in regard to that, because the whole community was indignant at it. Two or three bills were found by the grand jury against this Davis for burglary and the most heinous offenses on colored people.

By the CHAIRMAN:

Question. What was the community indignant about?

Answer. That these men were not punished.

Question. Was their indignation at the court for letting them off, or was the indignation against them for their testimony against others?

Answer. They were indignant that these men were not punished; it was the general sentiment of the community that they should have been punished. I desire to say I think Judge Bond was too lenient in that case; but I do not desire to be understood as shielding crime in any way. I think they ought to have been punished, every one of them; but what our people complained of, what the conservative party complained of was that those men who had committed these outrages were turned loose as witnesses, and attempts were made through them to implicate parties who were innocent. So far as I myself was concerned, I believe that they were asked on various occasions and inducements were offered to them to lead them to swear that I had been a party to some of these violences, which was untrue. So, too, they attempted to implicate various other gentlemen who were entirely innocent, merely because they had some prominence in the conservative party. In fact, it was used as a political persecution against these men.

By Mr. BLAIR:

Question. These parties who confessed their crimes and boasted of them, I understand you to say were let off without any punishment?

Answer. Yes, sir; and they are now witnesses at Raleigh.

Question. They were used as witnesses against men of some distinction and prominence as democrats?

Answer. Yes, sir.

Question. An attempt was made through them to implicate democrats?

Answer. Yes, sir.

Question. Were any of these men whom they released radicals?

Answer. Yes, sir; this man Anderson Davis, who had committed more offenses than any of them, had been for a long time a leader of the Union League. He afterwards joined the order known as Ku-Klux in 1870 and 1871, after it had degenerated into a mob of rioters. He joined them and was a common robber. He had committed burglary and robbery, and every other crime known to the catalogue. He had formerly been a leader among the negroes.

By Mr. POOL:

Question. You do not mean that he was a republican after he joined the Ku-Klux?

Answer. No, sir; but he is a very loud-mouthed republican now.

Question. You mean since he made his confession and was let off?

Answer. Yes, sir; but I do not think, to do justice to that party, that they are desirous to receive him. The last time, a man named Beal was arrested, a very respectable man, and Davis was brought as a witness, and they brought up three negroes and a white man, who swore that they would not believe him on oath; and Mr. Vest discharged the man.

By Mr. BLAIR:

Question. But they arrested seventy or eighty men on his testimony?

Answer. Yes, sir; the State court was in session at the time the Vest court was, and they have found two bills against him for burglary, one committed against a man named Ishmael Roberts, a respectable colored man, from whom he took his sugar, and coffee, and meat, and even the sheets from his bed, taking them to make his wife clothing. He boasts of it on the streets; that is, this man named Anderson Davis.

Question. It is upon the testimony of men of this character that most of those arrests have been made up there?

Answer. Yes, sir, I think so, upon these seven men connected with them. Some of them are of better character; they were not all as bad as he was.

Question. But they were generally such men?

Answer. They were men who had associated with him in these raids.

Question. It appears that Mr. Plato Durham, who testified before this committee, has since been arrested?

Answer. Yes, sir.

Question. Will you state the circumstances attending his arrest?

Answer. I can only give them to you as he has given them to me.

By Mr. POOL:

Question. Was he indicted before the circuit court?

Answer. Yes, sir. I was going to say, as you asked for the conduct of these men, there is another cause of complaint against these marshals at Lincolnton, that they have appointed some very illiterate men as marshals, who were going around selling what they called discharges. They will come to a man and say to him, "Davis has sworn that you belong to the Ku-Klux. We don't want to punish you, but we can make some money out of your arrest." They will issue a summons for the man and bring him before the commissioner, and advise him to get two friends to swear that he never committed any violence, and then he is discharged. Thereupon they get their fees, which amount, in the aggregate, to $10. I brought a little specimen of one of these discharges with me, which I think will give the committee an idea of the character of the men selling them out, something like the indulgences sold in Luther's time.

Question. Read it.

Answer. It is so badly spelled that I do not know whether I can. It ought to be seen to be appreciated. [Reading from a printed slip as follows:]

"Linconton November *the* 2 *day* 1871.

"This is to surtifi That ——— was Rain By Mea Beefore the u. s. comishner R. P. Vest at the coat Hous in Lincoton of Bein Berlongin to the in viserl Emphire and was Dischard of the vilatin of the acct of congress charged in the With in Warrent. This 2 day of November, 1871.

"THOS W WOMBLE, *D. P. Marshal.*"

By the CHAIRMAN:

Question Do you wish to be understood as conveying the idea in your testimony that the defendant charged with this offense paid the deputy marshal for such a discharge?

Answer. Not for that one.

Question. For any one?

Answer. Yes, sir, I do. I will state the facts. I will state one fact that came under my observation. Squire Potts, a gentleman living in the eastern end of Lincoln County, stated that one of his neighbors had received one of these discharges in Raleigh. He had been arraigned before the court down there and got some discharge, I think from the district attorney. When Mr. Vest and his marshals came to Lincolnton they spoke of rearresting this person, and he brought this discharge and exhibited it to the marshal to show that he had been discharged at Raleigh. The marshal told him that was not worth—the marshal used a profane expression. He replied that he had paid $5 for it at Raleigh. The marshal said it was not worth a —, and used a profane expression; and he could give him one that was worth something; and he tore it up and gave him another.

Question. Were you present?

Answer. No, sir; I received that from Squire Potts.

Question. Was he present?

Answer. I do not know whether he was present when it was done or not; he stated it as a fact.
Question. You do not know whether it is true or not?
Answer. I do not.
Question. You do not know whether he knew it?
Answer. No, sir; he stated it as a fact.
Question. You do not know whether he was present when it occurred or not?
Answer. No, sir; I do not.

By Mr. POOL:

Question. I thought when you first spoke of this discharge that it was an original paper. I see it is a clipping from a newspaper. From what paper is it taken?
Answer. It was published in the Southern Home. I will vouch for its genuineness, though I did not communicate it.
Question. It was published in the Southern Home?
Answer. Yes, sir; by a gentleman who got the copy of it and clipped it. It was published by General D. H. Hill, the confederate general. I suppose that is the point you want to get at; but I vouch for the correctness of that.
Question. Did you see the original?
Answer. No, sir; but the gentleman had it that gave it to him; he copied it. I will give his name if necessary.
Question. You never saw the original?
Answer. No, sir.
Question. How then could you vouch for the genuineness of this?
Answer. You have allowed me to state information I received. I do not wish to be understood as swearing to all these facts as of my personal knowledge, but I can give you a history that will identify that beyond question.
Question. I would like you to identify it.
Answer. I will give you the name of B. C. Cobb, who copied it from the original, which is in his possession now. That is the reason I say positively there can be no mistake about it, for I know him very well.
Question. You think Mr. T. W. Womble's name was not forged to that original?
Answer. No, sir; I know the young man who was given the discharge, Mr. Kuhn, a very respectable young man; and I know Womble too, and it is about consistent with the man.

By the CHAIRMAN:

Question. Was he properly discharged?
Answer. That is my information.
Question. Was it proper to discharge him under the circumstances?
Answer. As to that, I do not think he ought to have been arraigned.
Question. You do not give this in evidence as one of the cases in which the marshal was paid for the discharge?
Answer. No, sir; I give that in evidence to show the character of the men who were exercising these very extraordinary powers—to show that this kind of men, persons of such standing and intelligence, are exercising these extraordinary powers.

By Mr. BLAIR:

Question. Do you state it as a fact that they are now making money out of the people of that country in that manner?
Answer. There is no doubt about it. I will tell you how they do it. They will bring up a man and charge him with being a member of this order. Then they will bring up seven witnesses, Davis and his crowd; they bring them before the commissioner and identify this man as belonging to the order. The whole seven of them will prove their attendance, at a dollar and a half a day. As soon as they prove their attendance this commissioner Scoggins buys it and has it transferred to him, and goes down to Raleigh and collects the money. I get that from the witnesses themselves and from Scoggins's mouth at second hand. That is the way he is making money. He was a poor man; he is now reputed to be worth considerable money. He has established a large store and commenced business upon operations of that kind.
Question. This, then, is the general character of the arrrests?
Answer. This Bill Scoggins, one of the marshals, is a notoriously bad character, a man who has treated his wife in the most shameful manner, so much so that she has had to go back to her own people. Bill Scoggins is a very bad man. I think Andrew Scoggins is a tolerably respectable man; but Bill is a very bad man. He is the one who shot Sapaugh and made most of the arrests. He is the same man who knocked down Hoffmaster with a slung-shot. Hs is very violent on all occasions. He goes about with two large repeaters insulting the citizens on all occasions, saying he has the soldiers to back him. He threatened to shoot a man for coming up to him and asking him a civil question in regard to a prisoner who was a friend of his. He drew

a repeater and told him he would shoot him if he did not leave. The man's name was A. S. Haines.

Question. Is this the character of the proceedings had in that section of your State that you have described, in mentioning Davis and the other crowd?

Answer. I do not understand the purport of your question.

Question. You have described the arrests and confessions of two several crowds of persons who confessed their crimes?

Answer. Yes, sir.

Question. Who were then used as witnesses against the community at large?

Answer. Yes, sir.

Question. Who were released themselves from punishment, and their testimony taken to implicate the community?

Answer. Yes, sir.

Question. Do I understand you to intend to convey the impression that that is the general character of the proceedings in those counties, that men of this low character and of violence, men who have perverted the organization ——

Answer. I think I understand you now. I will say this, that what is known in our county as the Anderson Davis crowd were bad men. The Peter Baxter crowd I do not think are bad men. I think that Peter Baxter has formerly been a very respectable and charitable man. In his former prosperous days he was one of the most charitable men in the country. I think he led the outrage upon Carpenter when greatly under the influence of liquor. I do not think that his general character is bad.

Question. Baxter and his crowd were punished?

Answer. Yes, sir; with twelve and six months' imprisonment. Their punishment was lessened on the promise of their divulging all that they knew. So Mr. Baxter told me himself.

Question. The parties implicated by Anderson Davis were men who had been connected with this crowd perhaps, but not guilty of any outrages?

Answer. Yes, sir; men who had belonged to the order up to about 1870, when violence begun. I think at that time nine-tenths of the respectable men who had ever had any connection with it left it. I know that when I left it in January, 1870, I was the cause of disbanding three clans, and my political and personal friends used their influence in that direction, and nearly every respectable man left it. Afterward men of violent character reorganized it, and it was not the original society; it degenerated into a band of robbers, rioters, and lynch-law men, who deserve the severest punishment—men for whom I have no apology.

Question. And all of them were not democrats?

Answer. Well, they were mixtures of all parties. I had no idea that this Davis gang had any politics in it, because they whipped conservative negroes as well as radicals, white and black, male and female. They scourged, and robbed, and plundered wherever they desired.

By the CHAIRMAN:

Question. You are speaking specially of the Davis gang?

Answer. Yes, sir.

By Mr. BLAIR:

Question. State whether it was upon the testimony of such men as the Davis gang that all these arrests have been made.

Answer. Not all, because many were made on the testimony of what is called the Baxter crowd, headed by P. Z. Baxter. These men were tolerably respectable. Henry Baxter, his brother, was never in but one raid, and he was under the influence of liquor. He is a quiet, good man. I think Henry Baxter is a good man.

Question. But even the men implicated by the Baxters were men who had simply been in the order, but guilty of no violence?

Answer. Most of them; I cannot say all, General. I think the large majority of them were men who had never committed any violence at all.

Question. Give the circumstances under which Mr. Durham was arrested.

Answer. Well, sir, as to Mr. Durham, about May, I think it was in April or May, 1870, I received a letter from Governor Bragg, in Raleigh, and one of the same import was sent to Mr. Durham, asking us to use our influence to disband this organization; that it was understood that they were in our country, and it was charged that it was done by the conservative party; to use our influence in that direction.

By the CHAIRMAN:

Question. Have you that letter?

Answer. No, sir. It is necessary to tell my own connection with it, in order to show Mr. Durham's connection with it. I replied that I had already been using all the influence I had against it, but I felt afraid myself to come out publicly and denounce these men. He asked me to call a public meeting and denounce these men. I wrote

to him that I was afraid to do it; that these men were such bad characters that I did not care to incur their displeasure.

By Mr. POOL:

Question. At what time was that?

Answer. April or May.

Question. When did you sever your connection with it?

Answer. February, 1870; the last of January or first of February. I had very little to do with it in any way, but at that time I notified my friends and commenced a war on it.

Question. Go on with your statement.

Answer. About the same time a similar letter was written to Mr. Durham, a prominent conservative in an adjoining county. I had a conversation with Mr. Durham at the spring court, in which we talked this matter over, and he told me he was greatly mortified at the conduct of certain parties in his county, and did not know what it would come to unless stopped in some way. I told him I was trying to do all I could, and told him of this letter from Governor Bragg. He said he had received one also. He said he would do all he could to stop this violence. I knew nothing more of it until after Mr. Durham was indicted. The facts I learned from him were these: That just before the Biggerstaff raid he heard of the raid and took nine of his friends from Shelby to go out to one of the meetings. He wanted them as witnesses to what he said in regard to it, and he took them along with him and went out to a meeting of these parties in order to stop the Justice and Biggerstaff raid. He had heard that these raids were to take place, and he made a speech on that occasion to one of these clans that met at a place called Cherry Orchard, in Cleveland County, in which he told them the danger of these raids and violences, and endeavored to induce them to desist from it. After his speech he went home with these nine men. He was indicted, and all these nine men were put in the same bill of indictment, and for that reason he could not use them as witnesses. That was what he complained of in that indictment, which I suppose is the fact that General Blair wants to get at, that they selected out of those sixty-five men who were present persons who would swear that Mr. Durham advocated or at least assented to this violence; that they also selected those who would swear that the objects of the society were to commit violence, while he could not get the benefit of the witnesses he had taken there for the purpose, as his witnesses were put in the same bill of indictment, and that others were selected to suit the prosecution, the mouths of his own witnesses being shut by putting them in the bill of indictment.

By Mr. BLAIR:

Question. They selected men like Anderson Davis out of this crowd?

Answer. Yes, sir; I think the witnesses were most of them men of pretty bad characters. I do not know them personally; but so he stated.

Question. The truth is that Mr. Durham went there to prevent violence and took with him witnesses of his intent?

Answer. Yes, sir.

By the CHAIRMAN:

Question. That is Mr Durham's statement to you?

Answer. Yes, sir, and the statement of two or three respectable men who are in this indictment. It is the statement of a man named Justice, no relation of the man who has figured so conspicuously; he is a son of Ben Justice, of Cleveland; he is one of the nine men indicted. The other is the sheriff of the county, B. F. Logan, a very respectable man.

By Mr. POOL:

Question. Of what county?

Answer. Cleveland County.

By Mr. BLAIR:

Question. When I was interrupted by the Chairman in the question, I proposed to ask whether this proceeding was of this character: That Mr. Durham, according to his own statement and that of the intelligent men that he took with him for the purpose of being witnesses of his action, and who went out under the advice of Governor Bragg to prevent violence, whether he and they are all arrested and indicted together upon the testimony of some low characters like this man Anderson Davis?

Answer. I do not know that they are as bad as he was, because I do not know them personally; but they are men of very low character; that is my understanding of the whole of them.

Question. And the more respectable portion of them are continued as defendants, because they will not swear to suit the prosecution?

Answer. That is his complaint.

Question. How many persons have been dragged from their homes upon such testimony and carried down to Raleigh?

Answer. I would have to divide that question. Some were taken upon better testimony, some upon bad. I can, perhaps, approximate how many men have been arrested, but I cannot say upon what testimony, because a large majority were arrested in Rutherford and Cleveland. I think five or six hundred have been arrested in the three counties, or rather the four counties, Rutherford, Cleveland, Lincoln, and Catawba. The operations have just commenced in Gaston County; there have been some few sent to Raleigh from there. Some of these men, though, are bad men, who deserve punishment; and I do not want to be understood as saying that all these men do not deserve punishment. A great many of them deserve the very highest punishment.

By Mr. POOL:

Question. You mean of those arrested?

Answer. Yes, sir. Their raid on Ramsour was an outrageous affair. He is a sort of crazy man.

By Mr. BLAIR:

Question. It seems, from your statement, that the worst men, when they make confession, are let off without punishment in the hope of implicating men who are not criminals?

Answer. Yes, sir; I think that is the charge made, and that it is well founded on the facts.

Question. Within your own knowledge it is well founded?

Answer. Yes, sir; I give the instances: Wherever a man will go before the commissioners—they call these courts in our country "puke courts"—and whenever a man will go there and vomit forth all he knows, the viler he gets, and the more he tells upon others, the surer he is to be relieved from punishment; the more he will tell, the more likely he is to get off. The idea is to implicate numbers, because the more arrests they make the more money they make. That is the experience of these men, except the Baxters, who have been punished and imprisoned. The men who have been committing the most violence have been discharged.

Question. You think the object of this is to make money?

Answer. I have no doubt of it.

Question. Have they also any political object in it?

Answer. I cannot say that. I can only tell you the declarations I have of the detective Bosher. He would arrest eight or ten men and take them down and have them discharged. He would say, "Boys, let's go and take drink now; I have made my money out of you," and then they would all take a drink and have a jollification. He would state, "All my object is to make money and political capital. I am sent here for that purpose. I don't want you to understand that I am here to make trouble with you, only so as to make money and capital for the republican party." He would state that on public occasions, that it was to make money for himself and capital for the republican party. I will say, in regard to Bosher, that his treatment of his prisoners has been very kind. I do not think that he has treated any prisoner unkindly, but he would arrest them. They stated that he wrote a letter—it is stated in the prints—that there was no necessity for military force; that he had already arrested thirty by himself, and that he would go out by himself, go to the corn-shuckings and arrest four or five and bring them in and have them discharged, and they would have a jollification after he made his money. The men would come in, numbers of them. The court there has got to be a matter of ridicule; if a fellow will come in and pay enough he can get out. As to Mr. Vest, I will say for him, as commissioner, that I do not know of his arresting any one except upon proper affidavit.

By the CHAIRMAN:

Question. What court do you refer to, from which men get out by paying?

Answer. I refer to Scoggins' court. I think that stinks in the nostrils of all good men. I think Mr. Vest in issuing warrants exercised ordinary prudence.

By Mr. POOL:

Question. Scoggins lives in the same town with Judge Logan?

Answer. Yes, sir; he has a sort of traveling court, going from Rutherford to Lincoln and Gaston.

Question. He lives in the same county with Judge Logan?

Answer. I think so; I do not know exactly where he lives.

By Mr. BLAIR:

Question. Is Logan active in these prosecutions?

Answer. Yes, sir; I think he is the power behind the throne in all of it. I know that

he has taken witnesses to his house and offered them inducements to swear things that I think he knew were false when he did so.

Question. When these parties are carried to Raleigh, how are the juries formed?

Answer. I do not know anything about that, except what I saw in the newspapers.

Question. Have you spoken with any of the parties who had been down there?

Answer. Yes, sir; I have had numbers of clients there.

Question. Have you seen respectable men, attorneys, who have been there in attendance on the courts?

Answer. Yes, sir.

Question. Have you heard from them the particulars of the manner in which the juries are formed and the trials conducted?

Answer. I have heard them make statements just about in character with the speeches of Judge Fowle and Governor Bragg, at the opening of the session.

Question. What statements?

Answer. My information is ——, but it may be incorrect; I do not desire to do injustice to any one——

Question. State what you believe, and only what you believe.

Answer. I understood there were four democrats out of the panel that was summoned.

Question. The grand jury?

Answer. No, sir; four on the whole panel. My understanding is there were two democrats on the petit jury only, a man named Charles, and a man from Davies, whose name I have forgotten. The balance of the jury were all republicans, mostly men of violent party feelings.

By Mr. WADDELL:

Question. Do you mean the jury that tried the prisoners, or the entire array?

Answer. I mean that two democrats were on the petit jury and two on the grand jury; that is my understanding. The United States, under the statutes, I believe, has a right to challenge four persons for the prosecution, and the complaint was that these democrats could have been taken off by that challenge whenever necessary, so as to leave the jury of an entire partisan character; but in justice to the other party it is right for me to state that Mr. Phillips did not challenge those two democrats in what is known as the Shotwell and Owens trials. I understood, however, that the reason was this, that the defendants had a right to try severally, and there being two hundred of them, they could have prolonged the court indefinitely, and they proposed that if he would not challenge these men they would agree to try jointly, and said that if he would challenge they would prolong the trials. Judge Bond held that they had a right to sever the trials, but only a joint challenge of the jury. I think the United States statute gives a challenge of ten for the defense, and Judge Bond held that that must be a joint challenge; that all the persons indicted in one bill would have the right to challenge the ten. The defense contended that each defendant had the right to challenge ten, but Judge Bond held that against them, though he held that they had the right to sever. When Mr. Phillips proposed that they should not sever, but try jointly, and he would allow the two democrats to stay, they agreed to it. That is the way they worked it. I got that from Mr. Carson, of Rutherford, who was an attorney in the case.

By Mr. POOL:

Question. For the prisoners?

Answer. Yes, sir.

By Mr. BLAIR:

Question. In the other case were any democrats allowed to sit?

Answer. I do not know; I do not think but two cases were tried; that is the Shotwell raid on Justice, and the Owens raid on Biggerstaff.

By Mr. POOL:

Question. There were only two jury trials?

Answer. Yes, sir, only two; the raid on Justice, and the raid on Aaron Biggerstaff. I state this as I received it from Mr. Carson and other attorneys who were present.

By Mr. BLAIR:

Question. I believe that region of country in which you live is adjacent to that portion of South Carolina which has been put under martial law?

Answer. Yes, sir; Gaston County is in North Carolina, and borders upon York County, South Carolina; the line runs between them.

Question. Have there been any arrests made in any of the counties in North Carolina adjacent to South Carolina by the military authorities without warrant, and the prisoners taken into South Carolina?

Answer. Well, sir, I suppose you refer to the case of Allen Pettis. I see it is Bettis in the prints, but his name is Pettis. I know the gentleman very well. He is a prom-

inent man in Cleveland County, chairman of the board of commissioners of Cleveland County. While I was at Gaston court a few weeks ago I saw several gentlemen from that county who told me the military authorities had come up from York district, South Carolina, and arrested Mr. Pettis, and refused him bail. I know that in Gaston County, at Dallas, the county seat, where I was at court a few weeks ago, there is a military post and thirty or forty soldiers, and they were going out every day and searching houses without warrant for persons who had fled from York district, going through every part of the houses. The lieutenant was boasting of it in the hotel where several gentlemen stopped. I heard him speak of it. He said he had said if they did not tell he would punish them, and they had given him information under these threats.

By Mr. POOL:

Question. What is the name of that lieutenant?

Answer. Lieutenant Green.

Question. Of the United States Army?

Answer. Yes, sir. He stated that a certain man had promised him certain information, and when he went there he did not give it to him; that he then took him and told him if he did not do it he would do certain things, made some threat, and the fellow then told him all he wanted. He was laughing about it in the hotel hall or parlor. He is a young man. The next week he was relieved by another lieutenant, a man of more years, and, I think, of more discretion. He seemed a very prudent man, but I understood the week after that, that Green had been reinstated. The citizens were complaining of Green, and my last information was that he had been reinstated. This lieutenant that succeeded Green was applied to by Scoggins for troops to conduct prisoners up to Rutherford County, and over to the Central Railroad, which would have been a circuitous route of about seventy miles, and this lieutenant was very angry and cursed him all to pieces in the public square, so that he attracted a crowd. He told him that he was then within six miles of a railroad station, and he was trying to cheat the Government out of mileage by taking the men seventy miles around when he was within six miles of a station, and he refused to give Scoggins any troops to send these men over. The next week I understood that this lieutenant was removed and Green sent back.

By Mr. BLAIR:

Question. Because he refused to allow the Government to be swindled by Scoggins?

Answer. Yes, sir; when he was within six miles of a railroad station. Owing to that difficulty he was removed for a while and Green sent back. I was not acquainted with either of them.

Question. You say Green was making arrests without warrant?

Answer. He was searching the houses; I did not hear of his making any arrests.

Question. Did he have any warrant for the arrest of these parties?

Answer. No, sir; I understood not.

Question. Do you know under what authority he was acting?

Answer. No, sir. One case of extreme violence was, he went to the house of an old man named Craig, sixty or seventy years old, at 12 o'clock at night, in search of Dr. Hunter, a relation of Craig. They surrounded the house and searched it in the night.

Question. What violence did he commit?

Answer. None upon the family, except going through the house in the night, searching through the private apartments.

Question. Did he go into the bed-rooms?

Answer. Well, sir, I just heard that he ransacked the house. I did not hear that he went particularly into one place or another. One gentleman came and consulted me about it, the son of old man Craig, and I told him to go down and get the facts, and I would report him to Governor Caldwell about it; I knew him personally, very well; but Mr. Craig came back and said they had not committed any violence upon his father's family personally, and he would prefer to let the matter go quietly rather than to incur the displeasure of the military.

Question. He preferred to submit to this illegal and unjust conduct rather than incur the displeasure of the military authorities?

Answer. Yes, sir.

Question. This man Pettis was actually captured?

Answer. Yes, sir; he is in jail now.

Question. Captured by the military?

Answer. Yes, sir.

Question. Without a warrant?

Answer. Yes, sir.

By Mr. WADDELL:

Question. I think the newspapers stated yesterday that he had been released?

Answer. Well, I do not know; if he has it has been since I left.

By Mr. BLAIR:

Question. He was carried off from North Carolina?

Answer. Yes, sir; to South Carolina.

Question. Do you know whether any violence was used toward him?

Answer. I do not; I did not hear the particulars; I did not hear that there was any unnecessary violence used in making the arrest.

Question. What officer of the Army, if you know, was it that arrested him?

Answer. I do not know; I did not hear that. He was a South Carolina officer.

Question. That is, he belonged to the troops stationed in South Carolina?

Answer. Yes, sir; so I understood.

Question. One of those who are there administering martial law in that State?

Answer. Yes, sir.

Question. And extending his own jurisdiction into North Carolina?

Answer. Yes, sir.

By Mr. WADDELL:

Question. How far is the county seat from South Carolina?

Answer. The county seat is Shelby.

Question. How far is that from South Carolina?

Answer. I think it is some thirty miles. I think it is about fifteen miles from the South Carolina line to Yorkville, and fifteen miles this side of the line to Mr. Pettis's house.

By Mr. POOL:

Question. You were asked how far from the South Carolina line?

Answer. It is thirty miles from York to Shelby, and I think Mr. Pettis's house is ten or fifteen miles from the State line.

By Mr. BLAIR:

Question. He is a well-known citizen of North Carolina?

Answer. Yes, sir; has been living there for years.

Question. An officer of the county?

Answer. Yes, sir; chairman of the board of commissioners, and as respectable a man as there is in the State.

Question. Do you know the allegation against him?

Answer. Only from the newspapers. They charge him with being in some way accessory to the murder of a colored man named Roundtree, in York district, or county, as it is called under the new regulation.

Question. When did that murder take place?

Answer. Well, it has been a good while ago; eighteen months or two years ago.

Question. It was prior to either of the acts of Congress giving jurisdiction to the United States courts?

Answer. I will not say that; I do not know it; I just heard that it was a good while ago. I cannot state with accuracy.

Question. It was prior to this late act of Congress giving the President authority to declare martial law?

Answer. Yes, sir; prior to the Ku-Klux bill.

Question. Long prior to that?

Answer. I think so; a good while. I heard of it, I know, a good while ago. I heard of the Roundtree murder at the time, but being in another State, I did not charge my mind with it then, and I cannot say when it was.

Question. It is stated by my colleague, Mr. Waddell, that in some newspaper it has been said that the offense alleged against him was that he loaned a horse to some South Carolina man.

Answer. I did not hear that; I did not see that statement.

Question. What has been the effect of this wholesale proceeding there, Scoggins and company making these arrests? Has it had any political effect to the advantage of the radicals?

Answer. O, yes, sir; I think so. I think it has been a very potent engine for the party.

Question. Do you think it has been used for that purpose as well as for the purpose of robbing the people of money?

Answer. I can only tell you from the declarations of these men that they were using it for that purpose. I did not talk to Bosher or Vest either. I was only in the court five minutes on professional business. I got these facts from persons in the court who were arrested.

Question. Did you get these statements from persons who had been arrested?

Answer. Yes, sir, from numbers of them.

Question. Did they state that they had heard these men declare that it was for making money and political capital?

Answer. Yes, sir. Bosher, I understood, made that statement very often. He is the chief marshal. He is a United States detective and was at Raleigh.

By the CHAIRMAN:

Question. Are you a native of the State of North Carolina?

Answer. I am; I was born and raised in Lincolnton.

Question. What is your age?

Answer. I was born in 1835; I am thirty-six years old.

Question. Have you resided all your life in that county of Lincoln?

Answer. No, sir; I practiced law from 1857 to 1861 in Gaston; a little over three years in Dallas, Gaston County. I afterward moved back, however.

Question. You have practiced law in Lincolnton from 1861 to this time?

Answer. Yes, sir. I only practice in four counties: Cleveland, Catawba, Lincoln, and Gaston; and I practice irregularly in Mecklenburgh. I have cases there that I generally get gentlemen to attend to, as they conflict with my other courts.

Question. Were you in the confederate service during the war?

Answer. No, sir; I believe I was a commissary for about three months. I resigned that position, and was elected to the secession convention in 1861. I was elected to fill the vacancy of Mr. Lander's position.

Question. Have you occupied any public position since then?

Answer. No, sir; I have been banned—not allowed to occupy any.

Question. I mean during the rebellion.

Answer. Yes, sir; I was receiver under the confiscation laws I was in that position after the convention adjourned.

Question. In which of these counties that you have named were you taken into this organization which you speak of having joined in 1868?

Answer. Gaston County.

Question. By whom were you taken into it?

Answer. I wish you, gentlemen, would not press me for these things upon my impression, though I will give them to you if you press me; but I will state my reasons for asking to be relieved from it. Those parties I know have never committed any violence, and I know they have used their influence against it. I know the organization I joined has never committed any violence. I have inquired of those gentlemen frequently; and now, if their names are made public, it will subject them to a persecution by Scoggins and others.

Question. I propose to press the inquiry if the committee sustain me, and I put the question, by whom were you initiated into the organization?

Answer. I was initiated by a man named John G. Lewis.

Question. What rank did he hold in the organization?

Answer. I do not know, positively, what.

Question. Did he tell you?

Answer. He told me he was an officer, but what sort of an officer I do not know. It was not in a regular meeting that I was initiated. It was at night. I had made a speech in the conservative club, and after that I was asked to join this organization by several parties, and did join it then.

Question. Name them, all of them.

Answer. I do not know that I can name them. I cannot say which one asked me to join; there was a crowd there.

Question. Name any you remember.

Answer. This man Lewis had the conversation with me.

Question. How many persons were present when you were initiated?

Answer. Well, sir, I cannot tell you; the men were in disguise. I think, as near as I can remember, that there were some six or eight.

Question. Name them.

Answer. I did not know them from Adam. I did not know a man present, not a man.

Question. You do not know them, then?

Answer. No, sir.

Question. Have you never learned since who they were?

Answer. No, sir; I did not know a man present on that occasion. I was not present five minutes when it occurred.

Question. What was the form of disguise?

Answer. I do not know whether I can describe it. I think they had on red gowns and masks; that is my recollection about it. I do not know whether they had anything else or not. I was present about five minutes while that oath was administered, and immediately left. That is the last meeting I ever was in.

Question. What was the name of the organization?

Answer. When I joined it?

Question. Yes, sir.

Answer. They did not give me any name at all; I did not hear any name, but I think

it was the Invisible Empire; I heard afterward that that was the name of the organization.

Question. You are satisfied that is the name of the organization you did join at that time?

Answer. I think so.

Question. Repeat to us, as near as you can, the obligation you took.

Answer. I cannot do it except by refreshing my memory by that paper. I have not a copy of it, and I cannot tell you from memory, but I think that those are the words of it as near as I can recollect. I think the first obligation of it was that we were in favor of constitutional liberty as handed down to us by our forefathers. I think the idea incorporated was that we were opposed to the amendments to the Constitution. I desire to explain in regard to that, that it was not to be—at least I did not intend by that that it should be—forcible resistance, but a political principle. I understood it to be merely the incorporation of the democratic platform of 1868, the platform upon which Seymour and Blair were running. It was the incorporation of those principles. It was explained to me as nothing more than a declaration of political principle. I desire to explain another part of it. The latter part of that oath says to suffer the penalty of death.

By Mr. BLAIR:

Question. For divulging?

Answer. Yes. That was evidently written by a Mason. This explanation of that was made to me—not that a man should be punished with death who divulged these secrets, but that rather than divulge them he would suffer death.

By the CHAIRMAN:

Question. You did not read the penalty of the obligation when it was administered?

Answer. I did not read it at all; it was administered verbally.

Question. The obligation or the penalty of the oath you refer to reads in this way: "Any member divulging, or causing to be divulged, any of the foregoing obligations shall meet the fearful penalty and traitor's doom, which is death, death, death."

Answer. I do not know whether it was repeated or not.

Question. As a lawyer, do you see any explanation that could be given to you of that obligation which would satisfy you that it was not intended that he should meet the penalty of death?

Answer. I do, sir.

Question. That would be against the plain language of the obligation, would it not?

Answer. I explain to you the reason I give for that. I say I believe that was written by a Mason, and I say that that explanation was given to me. I am a member of the Masonic order. That explanation was given to me; that is all I can say. I do not know whether any gentleman here is a Mason; but if he is he will understand this. That is the explanation I received. The fact is, it was done in a moment of excitement when I joined it, and against my own judgment. After I joined it I was ashamed of it, and never was in a meeting afterward. I was never back. There never has been a moment since that I did not regret it. I will state that frankly.

Question. You have stated that there was a constitution given in this paper. Is that the constitution of the organization you joined?

Answer. I do not know.

Question. Were you informed that there was a constitution?

Answer. I was.

Question. Did you never have access to it?

Answer. No, sir. I will explain what I know about the constitution. I think about 1869 I saw some two or three clauses of that constitution, and I will tell you how I saw it. When it was talked of organizing, or when some violence was committed in Lincoln County, a few of our friends, conservatives there, proposed that we should form a secret organization for the purpose of controlling these things; not a Ku-Klux organization, but that we should organize to effect a disbandment of these parties and to check this violence by our personal influence; and, inquiring at that time about these organizations, some one gave me a paper which stated the officers necessary, and I think, perhaps, one or two portions of that constitution were given to me; but I think it covered only about a page of foolscap paper. I destroyed that, and I cannot remember it. I am certain that I never saw any part of it that even remotely authorized any violence.

Question. From what you learned of it do you believe that this constitution, which purports to be a constitution of the organization in South Carolina, was substantially the same as that adopted in North Carolina?

Answer. It is necessary to answer that question a little at length. I think that the organization that commenced in Gaston County, in 1868, was an off-shoot of the organization in South Carolina. I think so on account of the oath; I cannot say in regard

to the constitution, because I do not know, and I do not believe that the organizations in North Carolina were the same in any one county.

By Mr. BLAIR:

Question. You mean that they were different in different counties?

Answer. Yes, sir. I will report myself on this point that I may not be misapprehended. I have taken some occasion since these matters have come up to find out by inquiry the origin of these societies, and I reduced what I have to say on that subject to writing before I left home, which I will now give you, as follows:

ORIGIN OF THE INVISIBLE EMPIRE.—There have been various opinions about it, because it seems that it was produced by different causes in different communities, and its results were correspondingly varied. I do not think, as far as my observation and information goes, that there was any uniformity of understanding about it, or that there was any connecting system between the different counties where they prevailed; every county seemed to be independent in its organization, and, as far as I know, there was no State organization, and in Lincoln and Catawba there never was even a county organization. As far as ever I could learn, every Klan seemed to be independent, nor did I ever learn from whence they obtained authority to organize. I endeavored to ascertain this fact in 1869, or first of 1870, but could not do it. I can only therefore give you such limited information as I received when I found it and what I supposed then to be its objects and purposes. When I first heard of it in 1868, the republican party was gaining great numbers to its ranks through the instrumentality of the Leagues, Red Strings, and Heroes of America. They had a newspaper at Greensborough, edited by one Tourgee, now holding the office of judge, called the "Red String," which was devoted to the dissemination of these secret orders. A great many ignorant white men were attracted to them, and I was informed that this "Invisible Empire," whose name I did not know then, was gotten up as a counteracting movement to these republican societies. I refused at first, on account of my well-known opposition to secret political societies, to join it, until I was led to believe that it was the only effectual way to defeat the other political party. The obligation as repeated to me was simply a declaration of those principles which I openly espoused, and I honestly thought then, and do now, that the original purpose of those who initiated me was to promote party interests in a lawful way, but it either became perverted or they were mistaken in its objects, for it degenerated into a mob of rioters and marauders who plundered and abused friend and foe alike, sparing neither party nor sex. It became a dangerous and fearful conspiracy against society, and was fortunately broken up by its exposure, though I believe that it would soon have been crushed by a union of all parties against it, even if there had been no Federal interference. I think that where it was not controlled by prudent men and violence put down, good men left it, or only nominally adhered to it from fear to denounce it. But in some localities, where the legitimate object was kept in view and no violence was done, that many good men adhered to it until it was made a crime to belong to a secret political society.

By the CHAIRMAN:

Question. That is the answer you wish to make to the question put to you in regard to your belief as to whether this constitution which you have produced as applicable to the organization in South Carolina is substantially the constitution that governed the organization in North Carolina?

Answer. I cannot say anything about that constitution in North Carolina.

By Mr. BLAIR:

Question. Do you know anything about the South Carolina organization?

Answer. No, sir; but I understood the chairman to ask me not only with regard to that constitution, but if the society in North Carolina was not originated and founded upon that. I give this as what I understood to be the origin of the society.

By the CHAIRMAN:

Question. I am following the line of your examination. You gave this as the constitution, I understood?

Answer. I expressly told you that I did not know about that constitution.

Question. You stated that the oath here given as the one administered in South Carolina is substantially the one you took in North Carolina?

Answer. Yes, sir.

Question. I ask you whether this constitution, which is given as the constitution in South Carolina, also governed the society in North Carolina?

Answer. I cannot give any opinion about it; I know nothing about that constitution.

Question. I ask if you desire the obligation which you have identified as substantially the one you took to be incorporated in your testimony?

Answer. Yes, sir; I incorporate that, and I incorporate this answer which I have just given as my idea of the origin of the society.

Question. What time in 1868 were you initiated?

Answer. I think it was in October, sir.

Question. Pending the presidential election of 1868?

Answer. Yes, sir.

Question. Was there no explanation given to you of the means by which the objects of this order were to be accomplished?

Answer. Never; it was represented to me as a political society to promote the interests of the party. A great many men were joining the Leagues and other secret societies of the republican party. They had three. The idea was that these men would be attracted into the democratic society as well as into the republican societies. The idea was to keep them from these other societies.

Question. These three organizations in opposition to which this one was organized you understood to be all in the interests of the republican party?

Answer. Yes, sir.

Question. Was not the organization called the Heroes of America organized in the State during the war?

Answer. Yes, sir; and Governor Holden was the head of it afterward, and issued various orders to it—he and a man named Henderson. William F. Henderson, I think, was the head of the Heroes of America. Tourgee, I think, was the head man of the Red Strings; I replied to him in a speech——

Question. Who was the head of the Invisible Empire?

Answer. I do not know.

Question. Have you not the same knowledge of that that you have of the head of the Red Strings?

Answer. I never heard that there was a State organization, or anything higher than a county organization.

Question. Who was the head of that county organization?

Answer. I never heard of them but in two counties.

Question. I ask as to Gaston County, in which you were initiated.

Answer. I know only by hearsay; it has been stated in the papers that there was a man named Grier.

Question. Did you ever hear from a member of the organization?

Answer. Yes, sir; I have understood that Mr. Grier was at the head of it in Gaston County.

Question. Give us his full name.

Answer. Calvin E. Grier.

Question. Where does he live now?

Answer. In Mecklenburgh County.

Question. What is his occupation?

Answer. A lawyer, a young lawyer, never in much practice.

Question. As a member of the organization yourself, and from information derived from other members, do you give it as your belief that he was the head of the organization in Gaston County?

Answer. I will not say I believe it entirely. I can give the reason why I thought he might be the chief. He told me in 1869 he had been requested to act as chief, of the county by some of the more prudent members of the society, with a view to control the violence being committed, as they thought that if they had an organization with a head to it who was a man of respectability, that an order issued by him would stop this violence in the county, and he had been requested to act as such; but he told me he had great reluctance in accepting the position. I told him it was a matter entirely discretionary with himself, and as a very responsible matter, I could not advise him in it; but I thought that if he could prevent this violence it was his duty and the duty of every good man to do it. It was after that that these barn-burnings occurred. There was a public meeting called in Gaston County, to compromise the difficulties between the Leagues and the Invisible Empire or Ku-Klux. Mr. Grier made a public speech on that occasion against all violence, at which all parties were present, and he incurred the displeasure of some of the violent men of the party in that organization. I think after that Mr. Grier had no more to do with the organization. That is what I gather from general information among the members of the order; but I think at that time he was the head of the order—that is my belief about it.

Question. What time did you have that conversation with him, and what was the time at which you think he was was the nominal head in the county?

Answer. I think he was called upon to act as the nominal chief of the county in the fall or winter of 1868; that his speech was made in January or February. Wait a moment; it was in the fall of 1869, I think, that he was called upon. This speech was made the night after the burning that I alluded to of these barns in Gaston. There

was a public patrol of the whole county; everybody was out watching their barns. That was in January, 1870, I think.

Question. From the time he was called upon in 1869 you believe that he was the nominal head of the order in Gaston County?

Answer. Yes, sir.

Question. What specific outrages had occurred in the county to which attention had been called, and which he wished to stop by issuing an order?

Answer. Well, sir, as stated, after Huffstetter's and Peterson's houses were burned, about October, there were some violences committed upon colored people, who were charged with having been connected with this incendiarism and other crimes, I do not know what; I was only twice a year in the county. In October, when I had this conversation with Grier, I was in attendance on the fall term of court, which was about the time the violences were committed. This did not stop, though Mr. Grier told me he would endeavor to do all he could. I do not know whether he accepted or not. I left. I had to attend the probate court in January. While I was there the barns were burned, and he made this speech.

Question. It was assumed between you that there was a head in the county, and that that head could, by an order, stop this violence?

Answer. Yes, sir.

Question. How many whippings had there been?

Answer. I do not wish to say that he could do it, but that he would attempt to do it.

Question. How many whippings had there been before that time?

Answer. I cannot tell you, not to give a matter of dates; perhaps four or five.

Question. Had there been any persons killed?

Answer. No, sir. Well, yes; there was one person killed, near King's Mountain gold mine. I do not know whether it was in York district or Gaston. A raid was committed on a negro named Quinn. They fired on him in the house and shot a negro woman. I think that was in Gaston. If so, it is the only one in our part of the country.

Question. I am not speaking of the whole time, but confining it to the period of which you spoke.

Answer. I cannot confine my statement or recollection to three months of time.

Question. We have now got whom you believe was the head of the organization in Gaston County. Who was the head of it in the county in which you live?

Answer. None. I do not think there ever was any chief there. I never heard of any. It has been charged that I was; but it is false.

Question. According to your statement, in the latter part of 1869 you and Mr. Grier conferred together as members of this order?

Answer. No, sir; he came to me as a personal friend and asked my advice.

Question. Did you not recognize each other as belonging to this organization?

Answer. Yes, sir; he knew I belonged to it; but the conversation was with him as a personal friend. He was a young lawyer—I may say a *protégé* of mine, and came to consult me as a friend.

Question. And as a member of the organization?

Answer. No, sir.

Question. He knew you were a member, and he was one?

Answer. Yes, sir; but he did not consult me as a member

Question. How many persons in Lincoln County did you recognize as members of that organization?

Answer. I never was at a meeting in Lincoln County; never had any connection with it whatever in Lincoln County, except as I have stated to you about those consultations at my office. Well, sir, I do not know how many. I am trying to think of what I know; but I have heard so much that it is hard for me to distinguish between what I have heard and know. I do not think that I know more than twenty-five or thirty in the county who have ever told me they belonged to it.

Question. Did you recognize that many as members of the organization?

Answer. No, sir; I do not think I ever recognized or had conversation with more than twelve or fifteen, but those gentlemen have consulted me professionally, and I have ascertained nearly all of this professionally since these troubles have come out. I have been consulted by these men, who have stated to me that they belonged to it some time ago, and asked me what was their position.

Question. I want the names, if you can give them, of all the persons.

Answer. I decline to give those who communicated with me professionally.

Question. I want the names of the members of the order in Lincoln county.

Mr. BLAIR. The witness states that what he knows about it was communicated to him professionally.

By the CHAIRMAN:

Question. Avoiding those who communicated with you professionally, give us the others, in the first place.

Answer. Well, sir, I do not know anybody since February, 1870. I could give you

names, perhaps, of eight or ten, but I would like very much to be excused from doing so, because those I knew were those who left when I did.

Question. That will be to their credit.

Answer. Yes, sir; but it will subject them to a military persecution, and I would like to be excused from telling it. Another reason is this, a professional reason: These gentlemen, if I am arrested, will be my witnesses to prove that I did leave the organization then, and if I divulge their names they can be easily put in a bill of indictment with me, and thus the mouth of my whole defense will be shut.

Question. Do you decline to give the names?

Answer. I decline, if it can be done. I at least make an appeal to the generosity of the committee on that ground, which I think is fair and gentlemanly. You, perhaps, do not appreciate our position down there. To be suspected there is to be arrested and dragged down to Raleigh, which would cost a man a considerable amount of money, and I do not feel able to incur those expenses. I do not want to be deprived of my testimony in that way, as I think Mr. Durham has been, unjustly. I have no doubt the political persecution will be the same with me as it was with him.

Question. That may be one inconvenience resulting from having gotten into such an organization. Our purpose now is to get such information as will enable Congress to so legislate as to secure life, person, and property in your country.

Answer. Well, sir, there have been no outrages committed since the Ku-Klux bill in our county.

Question. It is no greater inconvenience than some persons have suffered from the Ku-Klux.

Answer. But I hope you do not charge me with that.

Question. Great inconveniences have occurred to individuals from the acts of that organization.

Answer. And I think the men who established the Union Leagues and the Heroes of America are primarily responsible for it.

Question. They ought to be held responsible if they have countenanced violence or committed it.

Answer. But they do these things with impunity, when I will be arrested and imprisoned.

Question. I ask for the names.

Answer. If the committee say I shall give them, I can only appeal to their generosity as gentlemen; but if they say I must do it, I will do it. I hoped I would be spared that. I am perfectly willing to tell you everything in the world about myself; I conceal nothing whatever. I disapproved of this violence as much as any man. I have condemned it as much as any man. I have done as much as any man or more than any man of the other party to check it, because I was in a political position to do it. I have been thanked publicly and privately by men of the other party for using my influence to do it, and I know that I have political enemies now who seek to use everything against me; and I have no doubt they have sent these questions here for the purpose of my political persecution, because the gentlemen of the republican party know——

Question. I am not putting a question to you that has been sent to me by anybody. I am conducting this inquiry in accordance with the duty imposed upon me in this committee. I regret that there are not more men in North Carolina of your stamp, in order to save us this investigation.

Answer. But you give as a reason for putting the question that the object of this question is to make life safe there, and to settle society—to secure the peace of society. Now these men have all of them used their influence as I have, every one of them. Not one of these gentlemen ever had any connection with violence, remotely or indirectly. They are gentlemen of high standing, and I know that they will be subjected to arrest if their names are divulged now. I know those gentlemen have used their influence in favor of peace and order.

By Mr. BLAIR:

Question. Has there been any of this violence in your county at all?

Answer. Since the Ku-Klux bill?

Question. Yes, sir.

Answer. No, sir. There was one offense committed on Saturday night, the night the bill passed, but there never has been one in our town. I have heard of three raids to be committed in our town, and I took it on myself to saddle my horse and send a gentleman out to stop it, and did it. I have used my influence in every way to do it, and these gentlemen have co-operated with me in this work.

By the CHAIRMAN:

Question. It is very much to their credit.

Answer. While it is to their credit here, it would not be to their advantage there.

Question. I do not wish to enter into an argument with you.

Answer. I desired to give my reasons for it. I can only make an appeal to the generosity of the gentlemen here, who will appreciate our position in the South.

Question. I have no personal feeling about it.

Answer. If any man has committed violence, I will tell all I know on him. I have prosecuted these men as much as any one else, where necessary. I hope this will not be pressed, but still I will not be contumacious.

The CHAIRMAN. The question is before the committee, and it is for the committee to determine whether they require an answer.

Mr. POOL. I suppose the witness would not refuse to give the names of those who committed violence.

The WITNESS. I do not know one who did.

Mr. WADDELL. I hope he will give the names.

Mr. BLAIR. Let him give the names, if he sees proper, to the chairman, but not have them taken down and published in the testimony.

The WITNESS. I hoped I would be excused from doing so, but if you press me I will do so. I know how it is with those gentlemen. It is different there from what it is here. If those gentlemen were before a tribunal composed of such men as I see around me here, there would be no danger, but when subjected to a court like Scoggins's, to be persecuted, gentlemen do not desire that their names should be known, because they have arrested numbers and numbers of men, just as innocent as those, and put them to much cost and trouble. These are gentlemen whom I would like should not be subjected to this. I can swear that these gentlemen never, to my knowledge, had anything in the most remote degree to do with violence, and, with all due deference, I cannot see how the publication of their names would tend to make life safer in the community

By Mr. POOL:

Question. In regard to that trouble as to jointly indicting them, suppose they would sever?

Answer. Still they could not be witnesses; that is the rule in our courts. The supreme court of North Carolina have even gone so far as to decide, under our statute, where one defendant had submitted and the judgment was suspended, and the trial of the co-defendants came on at a subsequent term of the court, that the defendant who had submitted was not a competent witness for him, because judgment had not been pronounced upon him.

Question. Has there not been a bill introduced in the North Carolina legislature to allow men to swear in such cases?

Answer. I think there has, to give men the opportunity of examining their co-defendants. I have understood that there was such a bill introduced.

By Mr. BLAIR:

Question. The rule of the United States court is the same as of the State courts?

Answer. Yes, sir; but here is the difficulty: they may say that this is an *ex post facto* law, which changes the law of evidence, though it is for the benefit of the defendant.

By Mr. POOL:

Question. The *ex post facto* is entirely for the benefit of the defendant?

Answer. I do not know how that would be ruled. Judge Bond is a very good lawyer, and an excellent judge; but suppose he took the view of it that the co-defendants were just as competent for the State as the defendant, and the defendant might object to it, that would make it less easy for him to make his defense.

Mr. POLAND. I think the testimony of this witness, instead of criminating those men, would tend to exculpate them.

By the CHAIRMAN:

Question. A sufficient number of members of the committee have expressed their opinion to show that you are required to answer. Please give the names.

Answer. The only gentlemen I positively know who belonged to that order are gentlemen who consulted me at my office. They are all gentlemen who lived in the town of Lincolnton. The way I came to know them was in consultation for this very purpose. We intended to organize a society and met together for that purpose, but did not succeed in doing so on account of this violence, and disbanded. Well, sir, to give their names, Amos Morris was one, Benjamin Sumner was another, Peter Summey was another; also, B. C. Cobb, and J. R. Detter.

Question. Those are the gentlemen who met with you at your office to prevent this violence that occurred?

Answer. Yes, sir.

Question. Are those all that you now remember?

Answer. I am thinking; there may be others. It has been a good while ago.

Question. How did the information reach you that this violence had been committed by this organization?

Answer. Well, sir, there were violences committed around the town, and the persons upon whom the violence was committed described the men who did it as dressed in these uniforms, and I came to the conclusion that it was done by this order.

Question. Is that your belief?

Answer. I believe it was. I state that I believe it was committed by men without the orders of the respectable men who belonged to the organization. It was condemned by every man I heard speak of it.

Question. The purpose of these gentlemen was, through the influence of this organization, to stop these outrages?

Answer. Yes, sir; it was proposed that each member forming that society at Lincolnton should take an obligation that he would commit no violence; that he would use his influence to prevent it. I regarded that as a condition-precedent to any action I should take in the matter. I had never been in a meeting from October, 1868, until Christmas week, 1869—sixteen months. I think I was in three meetings from that to the last of January. Then it was disbanded or disorganized, and there has been no meeting held in Lincolnton since that. I will state further that none of these gentlemen ever wore a disguise, or had a disguise. I never had one or wore one, or saw one from the night I was initiated; I have never seen one since.

Question. But they were used in the organization?

Answer. I suppose so; I do not speak of my own knowledge. I know this, that these gentlemen did use their influence to prevent these things, to prevent this violence, and through their influence there never was any violence committed in Lincolnton, though our citizens were greatly provoked to violence by these outrages of which I spoke.

Question. Was there any organization formed at your office that night?

Answer. No, sir; it was spoken of. I was to inquire; I have stated that I was to inquire as to how we could get authority to organize, and, if we could, find who was the chief of it; that was the idea. Upon inquiry I could not find any place to get authority from, but some one at that time gave me a sheet of foolscap containing information in regard to it, sent from Gaston County.

Question. Who gave it to you?

Answer. I do not know.

Question. Where is that sheet now?

Answer. It is destroyed. I destroyed it after that.

Question. What was it?

Answer. It was about a foolscap sheet of a part of the constitution.

Question. What was in it?

Answer. It stated how many officers were necessary.

Question. Who were they?

Answer. I cannot recollect.

Question. Where they county officers?

Answer. No, sir; they were the officers generally spoken of, cyclops and titan. I do not know all the fool names; I cannot remember, but cyclops and titan were among the officers.

Question. You cannot tell who gave that to you?

Answer. No, sir; I think Mr. Grier sent it to me.

Question. From Gaston County?

Answer. I think so.

Question. Is there not an obligation of this order which prevents the revelation to the private members of who are the chiefs and controllers of it?

Answer. I never heard it; if there is I do not know it.

Question. You never rose higher in the organization than a private member?

Answer. I never did in my life.

Question. So that you have only the information that is communicated to private members of that Klan?

Answer. On that occasion; yes, sir.

Question. Do you know the name of the Klan into which you were initiated?

Answer. No, sir; I never heard any name given to it. I understood that that Klan disbanded just before the difficulties took place in Alamance after the murder of Stevens. Mr. Lewis, who is a very respectable man, told me he would try to break it up. I think they disbanded in the spring.

Question. What was the outrage that led to the meeting at your office?

Answer. About that time, in Lincoln County, some two or three outrages were committed. I think one was on a man named Wade Frazier, who lived at the house of a white man named Sherman. The other was committed upon a negro boy named Sam Ward. It has all come out since; these men have acknowledged who were in it.

Question. These were whippings of these men?

Answer. Yes, sir.

Question. I understand you to say that following this you disbanded several Klans?

Answer. Yes, sir.

Question. What Klans?

Answer. Well, sir, there was one—I will state what connection I have had——

Question. Name them first.

Answer. I am going to do it.

Question. Please name them first.

Answer. I never heard the name of a Klan in my life until the Shotwell trial. They had no names that I heard of.

Question. Designate them in some way as to where they were located.

Answer. I will, if you will give me time. There was a Klan located about three miles above Lincolnton, and a man named Berrier——

Question. What is his full name?

Answer. I cannot give you his full name. He is under arrest at Raleigh. Mr. Berrier was a very respectable man. I heard that this Klan were committing some of these outrages, or were connected with them. In pursuance of the agreement made at our office, I asked Mr. Summey, the marshal of the town, if he would not request Mr. Berrier to come to my office. He came, and I told him these things were unlawful, and wrong morally, upon principle, and every way, and advised him to disband all these organizations if he could. I told him I thought they were wrong. I did not tell him I was a member of the order. I did not see proper to do that, but I told him as a friend that I thought he ought to do so. He went home, and, as he afterwards told me, and as it has come out since in evidence, he did leave the Klan, and several others did. They then reorganized, with a man named Hobbes as chief. Hobbes came to me in the latter part of January last, while the Ku-Klux bill was under discussion here, and told me the men with whom he was connected were committing this violence, and what should he do about it. I told him I had only to say what I had always said, that I was opposed to all that violence, and advised him to break it up if he could. He went home and left it. They then organized a third time, and I think Anderson Davis and nine men were left in it. Those are the remnants of that society. That is what I have learned, that they are the last dregs of that concern.

Question. Still keeping up the form of the organization?

Answer. I do not know that they had any organization. I think they went it blind. One of the men in the raid on Frazier said he never was initiated; that anybody went along that wanted to.

Question. These were the two Klans you mentioned?

Answer. No, sir; that was the same Klan.

Question. Name the other.

Answer. Last April I was defending a man named Massagee for murder. While the trial was progressing, and when it was nearly closed, a man came to my back, named Mellen. He was pretty drunk, and he whispered to me that his men were coming there to take Massagee out and hang him.

Question. Did he give his name?

Answer. I turned and said to him, "What do you mean?" He said, "My men want to hang Massagee." I said, "What do you mean by my men?" He said, "These fellows out here; these Ku-Klux." I said, "If you do not go and disband that crowd I shall have you indicted and put in the penitentiary." The republican sheriff, Mr. King, was standing by my side. I said to him, "Here is an effort to take Mr. Massagee out and hang him. You must protect him. I shall be there if necessary." He told me he would not need my services. The next day I sent for Mellen. He came to my office sober. I asked him about it. He said there were some parties in his neighborhood who were the friends of the deceased, whose name was Weaver; that Weaver's relations belonged to this order, and they wanted him, as their head or officer, to issue an order to hang Massagee, and the night they were coming to Lincolnton he said he watched the bridge all night to keep them from hanging that man. Two days afterwards he said he had disbanded them. That was in April.

Question. Did he say he had issued that order?

Answer. No, sir; he said he was opposed to that hanging; he came to tell me to have it prevented; he was an officer; and I advised him to go out and have it disbanded; and he told me afterwards he had done it.

Question. These are the two you were instrumental in disbanding.

Answer. Yes, sir, and I have advised against these things. Mr. Baxter, who is now in jail, was my client. I was defending him, and in my professional line I ascertained secrets from him that led me to believe that he had committed this raid on Carpenter. He was indicted in the civil courts. I took him to my office and appealed to him to do all he could against it.

Question. You said that occurrence was in April?

Answer. Yes, sir, in 1871. I did not know there was an organization in the county at the time; I thought the whole thing had been broken up; I was astonished.

Question. Whatever may have been your original idea of this organization and its purpose, you say it has been used in North Carolina for the purpose of committing these outrages?

Answer. Yes, sir. I cannot shut my eyes to that fact. I think it has been very grossly perverted to improper purposes.

Question. Was not its origin such that it inevitably partook of a political character?

Answer. It was a political society when it began, but I do think the parties who gave me what information I had about it were sincere and their purpose was lawful; but as to that constitution which is connected with that oath in this publication, its purpose was unlawful, undoubtedly; and if I had seen that constitution I should at once have put my foot upon it. I regret that I did not see it then.

Question. According to your belief, that portion of the democratic party which disapproves of purposes of violence when communicated to them have withdrawn from it?

Answer. Yes, sir, I think so, long ago.

Question. And that portion of the democratic party which was willing to carry out its purposes by that violence have kept up that organization and carried it out?

Answer. I cannot go that far, for this reason: I would believe that but for this fact: I have known some of the very best conservatives to be whipped by this order, and I think that after the good men left it it became nearly what you call in the West, or Virginia, where it originated, lynch-law, or a band of rioters. I had a very respectable old colored man on my place, named Derry, who voted the conservative ticket. He was about the first man raided in Lincoln County. On the morning afterwards I gave him a double-barreled shot gun, and told him he had a right to shoot any man who assaulted him, and assured that I would assist him and would prosecute them if I could find them out.

By Mr. BLAIR:

Question. You say he was a conservative?

Answer. Yes, sir. I think that after good men left it that organization had no politics in it; such men as Davis went into it, who had been prominent in the Leagues; three or four out of those nine had been republicans, I think. I think the last man that gave them a drink would get their votes.

By the CHAIRMAN:

Question. You spoke, in answer to a question by General Blair, about the Biggerstaff case, giving the statement of Colonel Hoke?

Answer. Yes, sir.

Question. Was he a member of the organization?

Answer. No, sir. I know he was not, as well as I can know anything. I never heard it charged upon him by any one.

By Mr. POLAND:

Question. Were does he live?

Answer. In Lincolnton. He is a practicing lawyer; he has been a senator. Mr. Pool knows him very well.

By the CHAIRMAN:

Question. You have spoken of the Justice raid as being political?

Answer. Yes, sir.

Question. And of Shotwell being connected with it?

Answer. Yes, sir.

Question. Do you know anything of Shotwell?

Answer. By reputation I know there was such a man as R. A. Shotwell.

Question. He was the leader of that raid?

Answer. Yes, sir.

Question. Was not he a member of the bar?

Answer. No, sir; he never was admitted to practice. I know very little about Mr. Shotwell. I can give you what little history I have of him. He was a captain in the confederate service, and after the war edited what was known as the Vindicator, a conservative paper at Rutherfordton. He became quite dissipated and lost his position there, and went to Asheville, and edited a paper called the Citizen. He was shot there in a personal difficulty, and then came back to Lincolnton and was reading law, but never practiced.

Question. Was he a man of education?

Answer. I do not know, I suppose so. His father is a Presbyterian minister, and a very respectable man. I never saw him more than twice in my life.

Question. How many were engaged in that raid?

Answer. I cannot tell you; a large number—fifty I will say at a guess.

Question. How many plead guilty, do you recollect?

Answer. No, sir; I cannot tell you. I think out of fifty some turned State's evidence, and in the cases of some of them no judgment was prayed upon them; in various ways they got off until six were sent to the penitentiary.

Question. What was the character of the fifty engaged in that raid—were they men like Anderson Davis?

Answer. Yes, sir; many of them. I think Owens was a very bad man.

Question. Was he convicted?

Answer. Yes, sir; and sent to the penitentiary.

Question. I ask as to the whole fifty?

Answer. I do not know one of them. In fact, I do not know a dozen men personally in Rutherford.

Question. You do not know their standing in society?

Answer. No, sir; I cannot give you any information on that subject.

Question. In these cases that occurred in your own town of these negroes who voted the conservative ticket and one who refused to vote, did you or any other person make an information to have the parties arrested.

Answer. Yes, sir; when Ramsour was outraged he was afraid to go before the grand jury; he told me so himself. When Commissioner Vest came to Lincolntown, several persons went to Abernethy and asked him to bring his case before the commissioner, because it was since the Ku-Klux bill was passed, and was a plain violation of the statute. He hesitated several days, and finally told the citizens he was afraid of his life, and would not go before the commissioners. It was told to the marshals and others, though.

Question. My question is whether you or any citizen cognizant of it made information to have the negroes arrested?

Answer. I did not.

Question. Did anybody?

Answer. Not that I know of.

Question. The negroes who did it were known?

Answer Yes, sir; publicly known.

Question. It was not a secretly planned and executed raid?

Answer. No, sir.

Question. It was an open riot or mob?

Answer. Yes, sir; because he voted the conservative ticket, and they told him so at the time.

Question. They ought to have been indicted?

Answer. Yes, sir. If those men had been half as diligent to hunt them up as others who were innocent, they would have been indicted.

Question. Was it not in your power to do it?

Answer. Yes, sir; but I did not care about coming in contact with the whole power of the United States, and men who could have me arrested without a warrant and put in dungeons. That was not my business; I preferred to live quiet. I have submitted loyally so far, and I expect to do it hereafter.

Question. The course of Judge Logan has been made the subject of animadversion by you. Has not the judge been quite pronounced in his opinion against the Ku-Klux organization?

Answer. Yes, sir; he is opposed to it, of course.

Question. Has not that been one considerable cause of the complaint against him in North Carolina?

Answer. No, sir; I think he was just as odious to all parties and the profession before he had anything to do with the Ku-Klux as now; perhaps it was heightened in individual instances.

Question. You think that had nothing to do with it?

Answer. I will not say that; it may have heightened it. I think the respectable part of the republican party have as great a contempt for Judge Logan as the democrats; I think he is the same with all parties.

Question. Do you think this has had anything to do with it?

Answer. I think that has heightened it, perhaps.

Question. There have been trials before him involving the Ku-Klux Klan?

Answer. I do not think there have been. I think there have been one or two indictments, but the defendants ran off.

Question. Has he not given the subject to the grand jury in charges?

Answer. Yes, sir.

Question. In connection with that subject, you have stated yourself that you were afraid to denounce the Ku-Klux Klan?

Answer. Yes, sir.

Question, Judge Logan as a magistrate had the courage to denounce them in his charge to the grand jury?

Answer. I do not think he denounced them; he explained the law. It was his duty to incur that danger.

Question. What was the kind of violence you were afraid of?

Answer. I feared personal violence. I think if I had publicly denounced them I would have incurred their displeasure.

Question. And you were a member of the organization?

Answer. No, sir; I stated that was about 1870.

Question. How did you get out?

Answer. I just went out; I told everybody I would have nothing more to do with it. I ceased to have anything to do with it.

Question. Did you announce that you had been a member?

Answer. No, sir.

Question. Did you not deny that you had been a member?

Answer. No, sir.

Question. Is it not a part of the duty of members of that organization that they shall deny their membership?

Answer. No, sir; I think secrecy was a part of the organization; that a member should not state that he was a member; but I never took an obligation to deny it.

Question. You having been a member of it and knowing its character, were really apprehensive that if you denounced it your personal safety would be endangered?

Answer. Yes, sir; I would not have done it for any amount of money. If I had been a judge and it became my moral duty, I would have risked my life to do it; but as a private citizen I would not have done it.

Question. You believe you would have been risking your life to do it?

Answer. Yes, sir; I say so candidly.

Question. Was that the prevailing feeling in the counties where that organization existed in North Carolina?

Answer. I cannot speak of any part of the State except my own vicinity.

Question. In your own vicinity, was it?

Answer. Yes, sir; I will say that that was the state of feeling from perhaps the latter part of 1870 and first of 1871. I think that was the general feeling.

Question. And the good men who had been induced to go into this organization, finding that violence was committed by it, were afraid to denounce it for fear of losing their lives?

Answer. Yes, sir.

Question. Has that ceased?

Answer. Yes, sir; the whole organization has been broken up.

Question. By what instrumentality?

Answer. By the Federal prosecutions and the moral sentiment of the people against it,

Question. Did not its acts continue to be palliated and excused until these Federal prosecutions?

Answer. Not at all; not by any good men in the community.

Question. You think that since the Federal prosecutions have commenced it is policy on the part of those who denounce the organization as you do, to bring every officer connected with the Government in these prosecutions into disrepute and contempt as far as possible?

Answer. No, sir; but what I say upon that is, that they do not punish the criminals when they get them. They are seeking, I have no doubt, to prosecute men who are innocent, and turning the guilty loose again.

Question. Let us test that. You have named several United States officials; and I ask for an answer to my question, not a dissertation.

Answer. I am bound to answer as I do, clearly and fully.

Question. You have named Scoggins as a United States commissioner?

Answer. Yes, sir.

Question. You say that in speaking of those tribunals down there, one of which tribunals he conducts and presides over, they call them "puke courts;" who do you mean by "they?"

Answer. I say Scoggins himself calls them that. It is the common word for the court. The adjective is used because the men go there and vomit out all that they know; not as designating the court by an epithet, but as describing the practice.

Question. You call them that?

Answer. Everybody calls them that, white and black. These commissioners themselves say, "You had better come up and puke; it will go lighter with you."

Question. You say the whole community applies that term to Scoggins's hearings a commissioner?

Answer. Yes, sir.

Question. And to Mr. Vest's hearings?

Answer. Not to every hearing, but generally.

Question. You say that Mr. Vest discharges his duties properly?

Answer. I think so; as far as I know, he does.

Question. When you come to the United States court itself, let me understand whether you speak of it or not in such terms as to convey the idea that it is the instrument simply of political persecution?

Answer. No, sir; I do not say that; I do not say the United States court was made so. I said I believed the purpose of the party is more to make political capital out of it than to punish crimes; that is what I charge and say; I do not charge it individually to anybody. So far as Judge Bond is concerned, I believe he is an able lawyer and

an upright man; I have no complaint to make as to the punishment of Shotwell or others; I do not think it is excessive; if the crimes were such as was detailed by Mr. Justice and the witnesses, the judge was fully justified; and he was fully justified in punishing Baxter; but I think he ought also to punish Anderson Davis's crowd. I do not reflect on Judge Bond as a gentleman; I think Judge Brooks also is a gentleman.

Question. Because the court thought proper to use a class of men, who of necessity must be made use of—some of those who commit such infamous offenses—in order to bring out these others ——

Answer. Yes, sir; I think they used infamous men to involve innocent men.

Question. That is your inference?

Answer. I give the facts; every man can draw his own conclusion.

Question. Of the persons arrested you have named a man named Sapaugh, and spoken of him as having been shot; was he a member of the Ku-Klux?

Answer. Not that I know of; I never heard of him until he was shot; I know his family is very respectable.

Question. The marshal had him under arrest?

Answer. I understood he met him in the public road.

Question. You have given us the facts?

Answer. Yes, sir.

Question. It was when he was attempting to make his escape that he was shot?

Answer. Yes, sir.

Question. Whether guilty or not you have no knowledge?

Answer. No, sir.

Question. That information you derived from him?

Answer. I just derived it from various people; it was only twelve miles from me; I never heard but one version of it.

By Mr. BLAIR:

Question. It is a matter of general notoriety?

Answer. Yes, sir; and never contradicted that I have seen.

By the CHAIRMAN:

Question. The case has never yet been investigated?

Answer. No, sir; and after he shot the man he left him lying in the woods. After lying there for hours he crawled to a colored man's house, and there was protected.

Question. You have spoken of Anderson Davis in connection with that subject; was his reputation known before he was admitted into the Ku-Klux Klan?

Answer. Yes, sir; I think he was a bad man always; I do not know when he joined it.

Question. Was he a citizen of Lincoln County?

Answer. Yes, sir; he lived four or five miles from town.

Question. You used strong terms in speaking of him as a robber and as a murderer?

Answer. I did not say murderer; I may have spoken of robbery and theft, and every other crime but arson and murder; I understood he proposed to murder a prominent man there for ten dollars; it so came out on the trial.

Question. With the knowledge of that character he was admitted into the Ku-Klux Klan?

Answer. No, sir; it has been since, and he has done nearly all this violence from October, 1870, to January, 1871; I do not know when he joined the order; I have understood he did not join it until about that time.

Question. But he was a pretty bad character before that?

Answer. Yes, sir; very bad.

Question. He boasted of having been engaged in twenty-four acts of this kind?

Answer. No, sir; I do not think he made that boast, but some of the parties did at a camp-meeting; I do not know that he was the identical man.

Question. It was in order to come out and inform in regard to all these crimes that he and his party were made witnesses?

Answer. Yes, sir.

Question. It is very likely that men of that character would be used for the worst purposes in the organizations?

Answer. But the Government might have used one man of the party as a witness, and punished six of them. One would have done it without turning them all loose.

Question. Has not the fact that the disclosure has implicated so many persons in these outrages been the cause of irritating so many persons?

Answer. No, sir; the moral sentiment of the community was as much down upon it before as now, and has been all the time.

Question. On this subject of selling these discharges I wish to get the fact distinctly before me, if I can, in regard to any other specific case than the two you have referred to, one relating to the printed paper you produced, and the other Squire Potts spoke of.

Answer. I do not know of any others.

Question. Those are the only two you know of?

Answer. Yes, sir.

Question. Upon the statement of these two do you wish it to appear in your testimony, as it certainly made the impression on me, that that is the uniform practice before those commissioners?

Answer. I do not know whether it is uniform or not, but those are two things out of many others that came to my observation, and I just stated them as they occurred.

Question. You think you were disposed, as one of the gentlemen that desired to see these Ku-Klux outrages detected and punished, to give the proper character to the United States tribunals. Do you wish in the light of your testimony to be considered one of the citizens in that community desirous of detecting and punishing Ku-Klux outrages, and one who gives the proper character to the United States tribunal?

Answer. I cannot understand the import of that assertion; it is not in the shape of a question. I desire to punish them. The facts I have stated about the means used are all true. I have endeavored to discriminate between Vest and Scoggins and Bosher. I have endeavored to do justice to all. I did not shield the Scogginses or those who have done wrong on the other side. I desire to state the facts as they occurred. I do not desire to be classed as bad because there are bad men in my class, nor because there are good men among them that I should be good. I desire to stand on my own footing.

Question. The letter of Governor Bragg to you was in April or May, 1870?

Answer. Yes, sir.

Question. Did it refer to any specific outrages?

Answer. No, sir.

Question. Where is that letter?

Answer. It is at home.

Question. I should like very much to have it, since you have introduced it.

Answer. I cannot introduce private correspondence, sir.

Question. You have already introduced it as the subject-matter of this testimony.

Answer. I said I had received the letter.

Question. Will you give its contents?

Answer. I have done so as far as I could.

Question. He requested you to use your influence?

Answer. He stated that information had come to him. I think it was written to me as chairman of the democratic committee. I knew him well. He attends to all my cases in the supreme court. He wrote me a very confidential letter, stating that he had heard of these outrages in our part of the country, and thought it was injuring the conservative party, as they were charged with it, and asking me to use my influence to prevent these difficulties. My recollection is that I replied that I was using all my private influence, socially, but that I could not come out publicly and make speeches, because I was afraid to.

Question. The governor was chairman of the democratic executive committee of the State?

Answer. Yes, sir.

Question. And you were a member of that committee?

Answer. I was a member of the committee for my congressional district. I was appointed, but declined to act. I declined to do anything in politics in the last year.

Question. Was it in that capacity as chairman of the district committee that he wrote to you?

Answer. No, sir; it was a private letter as a friend.

Question. Was it from any knowledge he had of the influence you possessed in this organization?

Answer. No, sir; he did not say so.

Question. Had you ever spoken to him on that subject?

Answer. No, sir; never in my life.

Question. Of your connection with that organization?

Answer. No, sir, never. I have not seen Governor Bragg, in social intercourse, since December, 1868, except an ordinary salutation in the streets of Raleigh, last summer.

Question. You say a similar letter was written to Mr. Durham?

Answer. Yes, sir; by Governor Bragg.

Question. Did you recognize him as a member of the organization?

Answer. No, sir; he never told me he was one; I heard he was, and addressed him generally. I did not tell him I was, nor did he tell me he was. I cannot say he was a member of it. I never had any conversation with him as a member of the order. He stated here in his examination that he thought I told him I was a member of the order; he is mistaken.

Question. Did you know he was a member?

Answer. I believed that he was. I took it for granted. I had heard he was, and took it for granted.

Question. You have spoken of his telling you that he had gone out and addressed a Klan to prevent violence?

Answer. Yes, sir.

Question. Did you not know then that he was a member of that organization?

Answer. That is since the indictment, and since he has acknowledged here that he did belong to it. That is the way I found it out.

Question. Did he give you the names of the nine persons he took with him as witnesses?

Answer. No, sir. I can give you two of them. One was a Mr. Justice, and one a Mr. Logan; I do not know the names of the other seven.

Question. Did he name the Klan he addressed?

Answer. No, sir, no name was given that I remember; but you will find the whole of the evidence on that point in the Shotwell trial. The Klan met at a place called Cherry Orchard, in Cleveland County.

Question. You say that came out in the Shotwell trial?

Answer. No, sir, the Biggerstaff trial—I beg pardon.

Question. Is it for that offense, for the address that he made to that Klan upon that occasion, that he is indicted?

Answer. Yes, sir. You see this Klan that met there that night is the Klan that inaugurated the raid upon Biggerstaff. That Klan is indicted, and this meeting comes out in the testimony taken in the investigation, and they indicted Mr. Durham, not for going along, but for being present when the conspiracy was made up or formed to whip Biggerstaff. He is charged with being present on that occasion.

Question. Do I understand you that a Klan was assembled at that time for the purpose of going upon the raid when he addressed them?

Answer. No, sir.

Question. For what purpose were they assembled?

Answer. I will tell you what I understood, but cannot give you who told me just now. I have these trials from the newspapers and individuals. My impression was this, that Mr. Durham had heard that this Klan was proposing to whip Biggerstaff, members of this Klan and friends of Sam Biggerstaff, and Mr. Durham heard that they were assembling there to inaugurate a raid on Aaron Biggerstaff, and he went there to prevent it.

Question. Then it was the Klan assembled for that purpose that he addressed to dissuade them from it?

Answer. Yes, sir, one of the Klans. The evidence, I think, said there were details from several Klans, but it originated in that Klan.

Question. His complaint is that a portion of the Klan swears that he advised them to go, while he took witnesses with him who would swear that he persuaded them not to go.

Answer. Yes, sir; and his witnesses are in the indictment and he cannot use them.

Question. That is his complaint?

Answer. Yes, sir.

Question. Did he state how many were present when he addressed them?

Answer. No, sir; I have heard there were over sixty, but I think I have got that impression from the evidence in the Biggerstaff trial in the papers—in the Era. I take the Era. I have preserved these papers.

Question. Has this man, Anderson Davis, ever had any personal controversy with you, Mr. Schenck?

Answer. Never in the world.

Question. Have you ever been aware of his having charged you with being a member of this organization?

Answer. Never that I know of. I have heard that he made threats against me since this matter came out, that he would swear so and so, but I never had anything to do with him. He is beneath the notice of a gentleman. I never spoke to him.

Question. Have you never had any conversation with him on the subject?

Answer. Never in the world.

Question. Did he ever confer with you about a young man named Jenkins?

Answer. Never in the world; Jenkins?

Question. Yes, sir; connected with this organization.

Answer. Never in the world.

Question. Did Davis never consult with you about this organizatien?

Answer. Never in the world. I do not remember that he ever spoke to me before in his life; I am certain he did not. If he had, I should have kicked him out of my office; he is too vile a wretch for me to converse with about anything.

Question. Had you ever any communication with Thomas A. Hope on the subject of this organization?

Answer. Yes, sir.

Question. Is he a resident of Lincoln County?

Answer. Yes, sir.

Question. Is he included among these you have named as members of the organization?

Answer. No, sir; he is not among those at Lincolnton. I will tell you all I know about him. I know what you are after.

Question. Does he live in Lincoln County?

Answer. Yes, sir.

Question. Do you add him to those you recognized?

Answer. Yes, sir; and three others. I will give the testimony in regard to that. About the last of December, 1869, one Sunday, four persons came to my house: Henry Fite, a man named Reaves, and this man Hope. Those are all I recollect. One lived in Gaston and two in Lincoln County: I should have said three. They came to my house and told me they were going to organize a Klan, and asked me if I would assist. I told them no, I would not have anything to do with it. They said they had been told in Gaston County that I could tell them all about it. I told them I knew nothing about it. They said they were informed that a part of the constitution had been sent to me. I told them that all I had was this piece of foolscap paper. I do not remember what was on that. I gave that to them, and they returned it within about a week or ten days, and I burned it. That is the only communication I had with them. I took occasion then to tell them in the half hour's conversation that the charge was that these men were committing violence in such an organization, and that if they did so they would meet with speedy punishment, and they promised me solemnly that they never would commit any violence whatever. That is exactly the communication I had with them; no more, no less. That is one of the charges made upon me, that I issued an order to these men, or organized them. I had nothing to do with it. I did not know they belonged to the order, only what they told me. I did not tell them that I belonged to it.

Question. Who is Hope—what is his occupation?

Answer. I think he is a wagoner in the employment of Mr. Teddy.

Question. A respectable man?

Answer. No, sir, a very low man.

Question. What is the character of Fite?

Answer. I never saw Fite until he came to my office, and I do not think I ever saw him but once; he had the character afterward of being a very violent man; some six months afterwards he was charged with being in several raids; I did not know them when they came in; I did not know one of them when they came to me, neither Hope, Reaves, nor Fite.

Question. What is Reaves?

Answer. Reaves is a farmer who works at a distance; he lives in the county. I asked them their names; they had hitched their horses at my office door; the servant told me, and I went down to the office and these three men were in there; after sitting for some time—they seemed to be confused—I asked, "Do you want professional advice?" Reaves commenced stammering and stuttering something out, and said he had been sent to me for knowledge in regard to the Invisible Empire, the secret organization; I told him I had nothing to do with it and would not assist him at all; he said that he had been informed that a constitution had been sent to me, or a part of one; I told him I could give him that, it was all I had, and I gave it to him; he brought it back, and I burned it up.

Question. They told you they wished to organize a Klan?

Answer. Yes, sir, they told me they wanted to organize.

Question. Did not Reaves give you the sign of recognition?

Answer. No, sir, I do not think he did.

Question. You are sure of that?

Answer. No, sir, I do not remember that he did; I do not think he did.

Question. What was the sign of recognition in that order?

Answer. Putting the hand to the head in this way. [Passing the hand several times by the side of the head over the ear.] I do not think he did; I am pretty sure he did not.

Question. You fix the date in the latter part of 1869?

Answer. Yes, sir, I think it was the Sunday after Christmas, 1869—not later than a week or ten days after that time; the reason I know it is, it was just about the time we were talking of putting down this violence, and also because another gentleman who was present on that occasion consulting with me, went off a few days afterwards to the law school; I know the date when he left.

Question. Calling your attention to this interview, I propose to read the affidavit of Mr. Hope, taken before the commissioner on the 1st of December, the present month?

Answer. Very well, sir, I am willing for you to do so.

The affidavit is as follows:

"UNITED STATES OF AMERICA,
"*District of North Carolina:*

"Be it remembered, that this day personally appeared before me, J. P. Vest, a United States commissioner in and for the district of North Carolina, Thomas A. Hope, and after being duly sworn by me, deposes and says as follows:

"I am a resident of the county of Lincoln, in this State; my post-office is Lincolnton,

North Carolina; am twenty-three years of age; am a farmer by occupation. Some time in the winter of 1869 I was sworn into the K. K. organization in Dallas, in the county of Gaston: am not able to say who administered the oath to me; it was after night, and I was taken into a dark shop and could not see who was present; a man by the name of J. F. Murphey took me to the shop; Murphey was the only man I knew; Murphey lives in Gaston County; I was told before I joined that it was the K. K. organization, and have known the same organization ever since as such. The following is the oath that was administered to me on my initiation:

"'I, T. A. Hope, before the Great Immaculate Judge of Heaven and earth, and upon the Holy Evangelist of Almighty God, do, of my own free will and accord, subscribe to the following sacred, binding obligation:

"'I. I am on the side of justice and humanity, and constitutional liberty as bequeathed to us by our forefathers in its original purity.

"'II. I reject and oppose the principles of the radical party.

"'III. I pledge aid to a brother of the Ku-Klux Klan in sickness, distress, or pecuniany embarrassments; females, friends, widows, and their households shall be the special object of my care and protection.

"'IV. Should I ever divulge, or cause to be divulged, any of the secrets of this order, or any of the foregoing obligations, I must meet with the fearful punishment of death and traitor's doom, which is death, death, death, at the hands of the brethren.'

"After the initiation they gave me some signs and pass-words. The first sign they gave me was to stroke the side of the head above the right ear with the ends of the fingers of the right hand, which was answered in like manner with the left. Another sign was to pick on the right side of the coat with the right hand, which was answered in like manner with the left. The last sign was to take the position of a soldier, with the right hand in the pantaloons pocket, with the thumb remaining out; which was answered in like manner with the left. The grip was, on shaking hands, to lock the little finger and press the fore-finger on the wrist. There was also a word of protection, which was 'Avalanche.' If I met a person and wished to ascertain whether he belonged to the order I would say I, S, A, Y.; the answer to this was N, O, T, H, I, N, G. There was another way of testing a member: If in conversation about the order I wished to make myself known as a member, I would say 'I know nothing, say nothing, and care nothing;' which was answered in the same way. The word to admit one into a meeting of the order was, when approaching a meeting and was hailed by the sentinel or night-hawk with 'Who comes there,' answer 'A friend with the countersign.' The night-hawk would say, 'Advance, friend, and give the countersign.' I would say 'Our country.' The night-hawk would then allow me to pass on.

"I have been in two raids during my connection with the order—both raids were on negroes, in Lincoln County. The raids were in the spring and winter of 1870; one in March and the other in April. The negroes were whipped. In the first raid, in March, there were two negroes whipped, and in the raid in April there were three negroes whipped.

"I think it was in January, 1870, we wished to organize a Klan near High Shoals, in Lincoln County, under William R. Fite as chief, and I, in company with Franklin Reves and William R. Fite, went to Lincolnton to see David Schenck to get authority to do so. We had been informed that he was chief of Lincoln County. We went to his office. Reves gave him the sign of recognition, and he returned it to Reves. Reves was not certain that Schenck was a member and seemed to be embarrassed when Schenck remarked to Reves to speak out and say what he wanted; that he understood him very well. Mr. Reves then told him that he understood that he was the chief of the county, and that he wanted to get authority, or, as we called it, articles, to organize a Klan. Schenck said that he was not the chief of the county, but that lawyer Greer, who lives in Dallas, was the chief; Greer did live in Dallas, Gaston County, North Carolina. I think he now lives in Charlotte, North Carolina. Notwithstanding Schenck said he was not the chief, he stated he could give him the required authority (the articles) and did so. I saw him hand them to Fite; we read them over; they contained a constitution, by-laws, and the oath heretofore stated. We went on and organized a Klan at High Shoals under the authority Schenck gave us. The Klan we organized was in Lincoln County. When Schenck gave us the papers he instructed Fite to be careful and not lose them, let no one handle them but himself, and if he got sick or was in any danger of dying, to put them in the hands of a responsible member of the order, so that the secret would not get out. I heard Schenck say, some time ago, in a conversation, that he was opposed to raiding, but if a raid was necessary it would be better to hang to a limb than whip, as dead men tell no tales. I was in a meeting of the Klan at High Shoals some time in the spring of 1870. Rufus Summers was a chief of a Klan near Iron Station, Lincoln County, and came to the meeting. Summers stated in the meeting that Schenck had sent him there with orders to organize a raid upon Isaac Revels, a negro, who lived in Gaston County, near Westley's Ford, on the South Fork. The negro had been accused of barn-burning, and it was thought that

he had been guilty of some other crimes. The raid was to be made by the High Shoals Klan, Kettle Shoals Klan, and Iron Station Klan. The raid was to be made the next night, and the negro was to be killed. Our Klan met on the next night as agreed upon, but the other Klans failed to come and the raid was not made. The chiefs of the other two Klans came, to wit, Summers and Murphey. Our chief, William R. Fite, was present. It was the general understanding that Schenck had ordered this raid; he was looked upon as the chief of our county. I had a conversation with Schenck in October last, and he requested me to tell the boys 'to keep quiet and he thought the trouble would be over after the court in Raleigh,' or something to that effect. I have frequently heard it talked among the members that Z. B. Vance was the chief of the State; do not know this of my own knowledge, have only heard it talked of.

"T. A. HOPE.

"Sworn to and subscribed this the 1st day of December, 1871.

"J. P. VEST,
"*United States Commissioner.*

"A true copy."

Answer. I denounce it all as a base tissue of falsehoods. I cannot denounce it in less language. What I have told you is all the connection I ever had with him. The only basis of truth for that statement is, that he came to my office on that Sunday and got that paper; I do not remember the paper; I think I had received it by mail a couple of days before. He stated that he had received information that it had been sent to me. I do not think I ever had it more than two weeks. As to my ordering any raid upon anybody, it is a base and infamous calumny. He says I gave him the oath.

Question. Was the oath contained in that paper?

Answer. No, sir; never in the world. Does he say I initiated him?

Question. He says the oath heretofore referred to was the oath he received from you.

Answer. I am glad you have it. The date he gives is very nearly correct.

Question. I will read you the oath:

"I, T. A. Hope, before the Great Immaculate Judge of heaven and earth, and upon the Holy Evangelists of Almighty God, do of my own free will and accord subscribe to the following sacred, binding obligation.

"I. I am on the side of justice and humanity, and constitutional liberty as bequeathed to us by our forefathers in its original purity.

"II. I reject and oppose the principles of the radical party.

"III. I pledge aid to a brother of the Ku-Klux Klan in sickness, distress, or pecuniary embarrassments; females, friends, widows, and their households shall be the special object of my care and protection.

"IV. Should I ever divulge, or cause to be divulged, any of the secrets of this order, or any of the foregoing obligations, I must meet with the fearful punishment of death and traitor's doom, which is death, death, death, at the hands of the brethren."

That is the oath incorporated in the affidavit.

Answer. I never gave him any oath of any character whatever.

Question. Is there any other statement in connection with that interview with Fite and Reaves, which you desire to make?

Answer. I have stated my account of the interview. That is the only interview I ever had with them. I did not know the men when they came there; I knew them afterwards, when I saw them. As to my ordering a raid to kill Revels or any one else, it is an infamous calumny.

Question. Was a man named Isaac or Ike Rhodes whipped in your county?

Answer. No, sir; he lives in Gaston.

Question. Had you any knowledge of the transaction?

Answer. No, sir. I desire to state generally, right here, that I never in my life had any knowledge of any raid, or ever aided in it directly or indirectly, or ever countenanced it, or was in any way accessory to it in my life, and never knew anything about one, except what information I received professionally when counsel for these men charged. I desire to state that fully, generally, and particularly, to put myself right on the record. I know nothing of the raids in Gaston County or Lincoln County, except as I have received that information professionally after the men were indicted.

Question. Have you any knowledge of who were the chiefs or leading men of the organization in any other counties outside of those I have asked about, Gaston and Lincoln?

Answer. No, sir, not a man. I have heard by reputation.

Question. Do you know Mr. McAfee?

Answer. Yes, sir.

Question. Did you know that he was a member of the organization

Answer. I have heard so in the papers, in Cleveland county.

Question. Do you know that he is a member?

Answer. I am studying as to whether he ever told me so or not. Of my own knowl-

edge, sir, I will state this about that: I never knew, of my own knowledge, that Mr. McAfee belonged to it, though the general reputation was that he did; and when he was arrested in Shelby and brought to Lincolnton he communicated to me certain facts professionally, which I do not propose to disclose; and I appeared for him and went down before the commissioner. I think he is a member of it; I do not think he denies that he was. I cannot say that he ever told me that he was.

By Mr. BLAIR:

Question. I want you to give the name of some person who can give the committee an account of those trials in Raleigh—the manner in which they were conducted?

Answer. Well, sir, I suppose that Governor Bragg or Judge Fowle would be proper persons; they appeared in both those cases.

By Mr. POOL:

Question. I desire to ask especially in regard to the rule that was issued against you by Judge Logan. That was based upon a certain letter?

Answer. Yes, sir; which I wrote to Mr. Blair.

Question. You wrote that from Cleveland County?

Answer. No, sir, I did not; I wrote it from Lincolnton. The letter was not itself published in the proceedings that I saw. When I wrote my letter to Senator Blair, Judge Logan's letter had not been published. Senator Nye's statement of the substance of it had been published, and that was much stronger than Judge Logan's letter proved to be. I was replying to the letter as I understood Mr. Nye to communicate it to the Senate. I replied to Mr. Nye's statement of the contents of the letter, not to the letter itself.

Question. You were then in Lincolnton?

Answer. Yes, sir.

Question. And that letter complained of what the judge said in regard to holding the Cleveland court?

Answer. Yes, sir. I had come home from court. I was at court until Thursday. We lost our whole court by his not coming there.

Question. You were on good terms personally with Judge Logan up to that time?

Answer. I was; I will say personally. I always respected any man who held an office in his position. I had no social relations with him; I never associated with him.

By Mr. BLAIR:

Question. The letter which you wrote to me contained a paragraph at the end of it authorizing me to make use of it?

Answer. Yes, sir; the paragraph, if I recollect aright, stated that those facts that I had stated were true, and I referred you to Mr. Shober for my standing as a gentleman. I do not know that I authorized its publication. I will say that I did not expect its publication. I expected you to use the substance of it, as Mr. Nye had used the substance of Judge Logan's letter; and I was a little astonished when I saw it published, for it was written very hurriedly. Though I did not shrink from the publication of anything I had said, yet I would have written it with more care, if I had anticipated that it would be published.

By Mr. POOL:

Question. You have refrained from having anything to do with politics for the last year or eighteen months?

Answer. I had nothing to do with politics from the close of the war to 1868; I went into the presidential campaign. This last year I determined to take no part in politics at all. However, my friend, Mr. Bynum, invited me to meet him on the stump, and my friends goaded me a little, so that I met him.

Question. You had declined to be on the executive committee of the State?

Answer. Yes, sir.

Question. Because you were no politician?

Answer. No, sir; I never liked it, and have never succeeded very well so far.

Question. How many lawyers live in Cleveland, and who are they?

Answer. I will give them to you in the order of seniority: H. D. Cabiness, Plato Durham, H. D. Lee, Lee McAfee, John W. Gidney.

Question. Why was it that you wrote that letter complaining of Judge Logan not being at the Cleveland court in preference to the Cleveland lawyers?

Answer. I was attending that bar, and lost my whole fees for the week; and that is very hard to a man interested in it. I expected to make money to support my family.

Question. The other lawyers lost also?

Answer Yes, sir; and they complained more than I did. I could give you the history of it, but it was private, and so might involve some of your republican friends, who were on very good terms with me. As I said, I do not desire to get my friends in trouble.

Question. I think, if any republican friends, or democratic friends, have done anything wrong, it will be well to have it.

Answer. It was not wrong, but you asked as to the origin of it.

Question. I want to get at how such a letter was written by you, who cared nothing about politics.

Answer. It is not a political letter, but a complaint as a member of the bar against a judge, and I should have written it against him if he had been a democrat as quickly as I did when he was a republican.

Question. He had been very active before that time in conducting affairs against the Ku-Klux?

Answer. No, sir; I think that was the first operation, the arrest of the Biggerstaff men two Sundays before that.

Question. Was he not detained at Rutherford about that matter?

Answer. Yes, sir; that was the beginning of his Ku-Klux trials.

Question. That was the reason he was not there; those men were brought before him?

Answer. No, sir; here is the history of it: Judge Logan started from Rutherford to Shelby, twenty-four miles, on Sunday, and received information on the way that this raid had been committed upon Biggerstaff, and went back and issued the warrants for these persons against whom Biggerstaff had sworn, and arraigned large numbers of them; I thought at the time a great many more than there were. They were arrested and brought to Rutherford. The roads were picketed; he sent out pickets and picketed the roads in military style, so that information could not get through, and as parties came through they exaggerated the numbers. I stated in my letter to General Blair that two or three hundred of the militia were called out, but I was mistaken, I think. We received dispatches from Rutherford just as from the seat of war; men were challenged as they went into town. Under the influence of that excitement I may have exaggerated the numbers in the letter, but as to the principle I do not think there is anything wrong in the letter. Now, when Judge Logan did not come down there all the members of the bar were very indignant. There was a meeting held, and the sheriff was sent up there with a party to escort him; and Colonel Bynum, the solicitor, and a gentleman, too, a republican, wrote a letter to Judge Logan to come down and hold court; that there was no danger. The next week, when I went down to Lincolnton—I was subscribing at that time for the New York Tribune among other papers—I saw in the Tribune the report of Senator Nye's speech; it was handed to me by a member of the bar. He said, "Look here at the infamy of this fellow Logan writing on there that he cannot hold court." I said, "I am going to correct that," and I sat down on the impulse of the moment and wrote to Senator Blair.

Question. Judge Logan did have large numbers arrested on Sunday and Monday, and staid in Rutherford and had them put upon investigation?

Answer. No, sir; he did not put them on investigation.

Question. Did he put them in jail?

Answer. Yes, sir; in the court-house, and surrounded them, as I understood.

Question. He called out the militia of the county?

Answer. No, sir. He ordered the sheriff to detail a posse. That posse was an armed posse; and he did not try them, but bound them over. He would not give them trial or bail.

Question. He took the most stringent and determined measures against them?

Answer. Yes, sir; and unlawful.

Question. He even went beyond what you considered lawful?

Answer. I know it was unlawful.

Question. Were there not great numbers of the Ku-Klux organization in Cleveland?

Answer. I cannot tell you.

Question. Was it so reputed?

Answer. Yes, sir.

Question. Is not that an overwhelmingly strong democratic county?

Answer. Yes, sir.

Question. You say you were afraid to take strong ground boldly and publicly against this organization, as it would put your life in danger?

Answer. Yes, sir; I think so, in the latter part of 1870.

Question. Why would it not put Judge Logan's life in danger?

Answer. That is a Yankee way of putting a question.

Question. I ask if there was not danger in Judge Logan going to Cleveland in the midst of such a movement against the Ku-Klux?

Answer. I do not know but there was at that time. I do not know that any Ku-Klux were arrested in Cleveland. I do not think any one would have assaulted a judge, whose duty it was to attack crime; but for a private citizen it would have been different. If I had been a judge I should have denounced them as strongly as anybody, but not as a private citizen.

Question. In the light of the fact that you were afraid to take such a stand against that organization, do you think that Judge Logan was without reason in supposing he would be in danger just at that time, after doing all that you say he did in putting these men in jail and picketing the roads in regard to the Biggerstaff raid, which started from the county of Cleveland?

Answer. That fact was developed afterward.

Question. He may have had it before him then, because he had evidence there.

Answer. I think not; I think the witnesses were all Rutherford men. Only two were convicted.

Question. But you do not know what was in his mind. Would there not have been danger in that state of things to him in going to Cleveland?

Answer. I did not think so then, and do not think now they would have made any open demonstration. He came there without any escort, and they did not assault him. It was observed that there was not even an assault in the town while he was there. He came unattended, and went around the circuit. I do not think that where it was the duty of a man to denounce them they would have attacked him. I do not think they would have attacked a judge, whereas they might have attacked a private citizen.

Question. Did they not attack Collector Wiley?

Answer. O, that has been done very recently, and I think that was not at all a Ku-Klux business; that was a whisky raid. He made a raid on a fellow named Thornburg, captured his still, and it was rescued.

Question. Were they not men in disguise?

Answer. I do not know how that was; but that was only three or four months ago.

By Mr. BLAIR:

Question. We want the facts about that.

Answer. This man Thornburg I think was always a republican—he was during the war—and had a whisky distillery which was illicit. They captured his whisky, and that night it was rescued.

By Mr. POOL:

Question. I call attention to the fact that the collector was acting in the line of his duty.

Answer. This man is named Joseph Thornburg. I do not think it was Wiley who captured the whisky; perhaps it was a subordinate officer of his. They took it and hauled it to Cherryville depot, ten or twelve miles, and that night a party captured the whisky and rolled it down into the woods, two or three hundred yards, and in the morning the officer recaptured it.

Question. How many republicans signed that memorial against Judge Logan?

Answer. Two.

Question. Is not Bynum's name reported in that memorial to the legislature?

Answer. No, sir.

Question. That is his name?

Answer. His name is William Preston; the young gentleman's name is William Shipp Bynum.

Question. The names of the republican lawyers are Barringer and Bailey?

Answer. Yes, sir.

Question. Does Judge Boyden live in that district?

Answer. No, sir. I stated that this memorial was signed by the resident practicing lawyers in our district. Mr. Bailey comes over from Charlotte. The meeting was held in Charlotte. General Barringer was on the committee that reported the resolution; Governor Vance also.

Question. Does Judge Boyden practice in that district?

Answer. Yes, sir, and I have been told that he very warmly approved of this course.

Question. But he did not sign it?

Answer. No, sir.

Question. You could not say that all signed it but two?

Answer. Yes, sir; except two. Barringer signed it and was on the committee, and he stated that he was authorized by Colonel Bynum to state that he indorsed our proceedings, but would not sign it.

Question. Mr. Barringer is the only one living in the district who signed it?

Answer. Yes, sir.

Question. Mr. Bailey, who did not live in it, but sometimes practices in it, signed it?

Answer. He practices in it all the time.

Question. But Judge Boyden does not?

Answer. He was not a practicing lawyer then; he was on the bench when those resolutions were passed. I have no doubt he would have signed it cheerfully, from what I know of his private sentiments on this subject.

Question. You say Mr. Bailey is a republican?

Answer. Yes, sir; he was recognized as such. I thought you would know that.

Question. Was he at that time?

Answer. Yes, sir.

Question. I knew he had become so.

Answer. Yes, sir; I think he has been for some time; that is my understanding.

Question. You spoke of some rioting in your town by the negroes upon some negroes that had voted the conservative ticket?

Answer. Yes, sir. The first one was for joining the conservative club.

Question. You say these parties were not in disguise, but were known?

Answer. That committed the violence?

Question. Yes, sir.

Answer. Yes, they were known to these men.

Question. How long ago was that?

Answer. The first raid on Virgil Ramsour occurred in the summer of 1868.

Question. The parties were known to the grand jury?

Answer. They were known to him, but I do not think he went to the grand jury to state who they were. My understanding is that he was afraid to do it, and did not do it. He detailed the case to me.

Question. Why did not the grand jury in your county make diligent inquiry to know what was done?

Answer. You must summon them; I am not their apologist. I do not know that they knew of this fact; they might have known it.

Question. That is a democratic county?

Answer. Yes, sir; but these things were under republican rule. These magistrates were appointed by Holden, in 1868, and held on until then. We had republican magistrates.

Question. Did you have any democratic magistrates?

Answer. No, sir.

Question. Any in the county?

Answer. I do not think there were. I will have to recur to the history of affairs a little. When the convention met to reconstruct the State, it was provided that Governor Holden should appoint magistrates, and they should hold until after the election of 1868, and all the magistrates in our county were republicans at that time.

Question. The grand jury was not republican?

Answer. I do not know; it was selected by radical commissioners, and it was charged upon them, pretty generally, that they always salted it with republicans pretty strongly.

Question. Do you say the commissioners selected the grand jury?

Answer. Yes, sir; they drew them, and had a right to throw out those not competent.

Question. Do you think they abused that privilege?

Answer. I do not charge it.

Question. Does not the law require that they should put into the jury-box every competent man?

Answer. Yes, sir.

Question. Did they do so?

Answer. If you ask my private opinion, I will say I do not think they drew the grand jurors fairly.

Question. Does not the law require that the names should be drawn from the box by a boy?

Answer. Yes, sir; the law requires that men shall not steal, but men do steal.

Question. Do you swear that the grand juries have been habitually drawn, in your county, fraudulently?

Answer. No, sir; I expressly disclaim that. I say they used their privilege, as far as they could, of ruling out any name they might select, for partisan purposes. I do not know how far, but I think the grand juries, at that time, had a stronger republican bias, or a greater number of republicans on them than they had afterwards, when drawn. The other side may have done the same thing; I do not pretend to say about that. They generally would have a great many negroes on them—as many as they could get on—men who could not read or write, and knew nothing. There is a published statement, affidavits of the radical commissioner tampering with the jury in the Dunlap case, the one in which Logan made his celebrated charge.

Question. You spoke of a case in Polk County, where Judge Logan imposed an inadequate punishment on the parties?

Answer. Yes, sir.

Question. How far is Polk County from where you live?

Answer. About fifty miles.

Question. Beyond Cleveland?

Answer. Yes, sir; it lies west of Cleveland, and south of Rutherford; South Carolina bounds it on the south.

Question. Lincoln is to the east of Cleveland?

Answer. Yes, sir; I never was in Polk in my life.

Question. You detailed the facts, not from your own knowledge?

Answer. No, sir; I stated that I detailed them as I had heard them.

Question. You gave them from a written memorandum?

Answer. Yes, sir. The Hampton case and the Scoggins case I detailed from others. The other two I had heard myself.

Question. You spoke of the Hoffmaster case in Rutherford. You had no knowledge of that?

Answer. No, sir; those two cases I got from information, that of Hampton and that of Hoffmaster.

Question. What you mean by information is what somebody told you?

Answer. Yes, sir; gentlemen present at the trials.

Question. Have you heard it stated that Mr. Sapaugh was chief of the gang of men that made an attack upon Wiley, the collector of internal revenue, in Cherryville?

Answer. No, sir; I do not think that is so, because Mr. Sapaugh lived in a different county—Cleveland County, twenty-five miles from the scene of those operations. I never heard it charged that he had any connection with it.

Question. You have not heard it charged?

Answer. No, sir; I do not think it is so. I will state further; Mr. Sapaugh formerly lived in Cleveland County, but when arrested was on his way from Yorkville to Morganton, and was lost, having mistaken his road. In that way he got so far down to the east of Shelby.

Question. Laying that aside, I want to see how far Judge Bond's conduct and the court at Raleigh is attacked. I believe Judge Brooks had retired and gone home on account of sickness?

Answer. Yes, sir; I heard so. I think he was there during the Shotwell trial, but retired prior to the Biggerstaff trial.

Question. And prior to the passing of the judgment?

Answer. I do not know; I was not there.

Question. I call attention to that to show why I did not mention Judge Brooks's name. You think Judge Bond used this Anderson Davis crowd?

Answer. I did not state that Judge Bond used them.

Question. Judge Bond was the man who turned them loose?

Answer. No, sir; I understand they were turned loose by Mr. Starbuck.

Question. Were they not convicted?

Answer. No, sir; not indicted at all; that is my understanding.

Question. Did they not confess?

Answer. Yes, sir, and were discharged. They did not prosecute them at all; that is my understanding about it. I do not think they were ever before Judge Bond at all.

Question. They were not among the number who were indicted, and on whose open confession the judgment was suspended?

Answer. No, sir.

Question. No bill was found against them?

Answer. That is my understanding.

Question. There was a bill against Davis and his men?

Answer. Yes, sir.

Question. These men were convicted?

Answer. No, sir; they submitted.

Question. Judgment was prayed upon them, and they were punished?

Answer. Yes, sir.

Question. Your complaint is that these bad men, the worst gang, were let off for men less guilty in point of morals?

Answer. There are the facts; I do not know as it is my complaint; I have nothing to do with it except as a private citizen. I was stating the facts.

Question. You were holding the district attorney responsible?

Answer. No, sir, I do not hold him responsible.

Question. He is to be blamed if there is any harm in it?

Answer. I suppose so; if any one is culpable he is the man.

Question. There were nine of these men?

Answer. Yes, sir; I think so.

Question. Were not Baxter's crowd, in point of fact, used as witnesses afterward, as well as the others?

Answer. Yes, sir; they came up with Mr. Vest, and were turned out at large. They were in Lincolnton, I think, three weeks, at large in the streets.

Question. What advantage could it possibly be to the cause of the United States to have released bad men in preference to good men?

Answer. I think this: The only object I can see is this, that they wanted to implicate men who were prominent in politics through the testimony of these men. I think these men were offered inducements, that in many cases were dishonorable, to swear against men.

Question. By whom?

Answer. I do not know by whom; by different parties. I have heard of Scoggins at times asking men to swear against me. Baxter told me himself that when in prison at Rutherfordton Judge Logan sent for him at night down to his house and magnified his danger of the penitentiary, but said that no matter what crime he had committed, if he would swear enough to convict me he would pardon him; and Scoggins said in a crowd that he would pardon any man that would swear against me. This very fellow, Hope, said Scoggins said they had made him offers to swear against me. He told me that voluntarily, that they had offered him pardon if he would swear against me, and I have learned the same from others.

Question. What proportion do these nine men bear to the entire membership of this klan in the county?

Answer. I cannot tell.

Question. Only a small proportion?

Answer. I reckon they are.

Question. If they should swear falsely would it not be very easy to bring a crowd of witnesses to show it?

Answer. Yes, sir; and they did. When Davis swore against a young man three witnesses swore that they would not believe him on oath, and the prisoner was discharged. I think Davis swore to lies.

Question. Let us advert to the complaint of Mr. Durham. He complains that seven certain men were put in an indictment with him?

Answer. Yes, sir.

Question. And that thereby they are prevented from being made witnesses in his favor?

Answer. Yes, sir.

Question. And he says that the speech about which he wants them to testify was made before sixty men?

Answer. Yes, sir.

Question. Is there any difficulty in getting the other fifty-three men to testify to it?

Answer. I think they are all indicted or they have been run off.

Question. But not in the same indictment?

Answer. I think so.

Question. The whole fifty-three?

Answer. Yes, sir.

Question. With Mr. Durham?

Answer. That is my understanding of it, as many of them as they could catch. A good many have run off, but those men who Mr. Durham took there with him to be witnesses as to his object and motives are in the bill with the others.

Question. You do not mean to be understood, as you would have been if I had not put these questions, that these seven men were selected by the Government for indictment?

Answer. No, sir; I stated that they were all indicted, and these men that they selected were such as would swear antagonistic to Mr. Durham, and they would not give him the benefit of those he had selected as witnesses to go with him.

Question. Selected how?

Answer. For instance, fifty are indicted. They go to forty-five and ask what Durham said; they say he went there to break up the meeting; but the five others will state that he wanted to participate in the raid; they turn those five loose.

Question. How turn them loose?

Answer. Make them State's evidence.

Question. Are they not all indicted?

Answer. Yes, sir, but the State solicitor can *nol. pros.*

Question. You spoke of discharging the witnesses by the district attorney?

Answer. Yes, sir.

Question. That is Mr. Starbuck?

Answer. Yes, sir. I was in the secession convention with him in 1861; a mighty good secessionist he was then.

Question. Was he not presented by his own grand jury about that matter before Mr. Chase?

Question. Yes, sir. I say he was a good secessionist. He was presented, but I do not think he was indicted. He took the oath that he never had supported the confederate government.

By Mr. BLAIR:

Question. And he was actually a member of the confederate convention?

Answer. Yes, sir, and would have got mad if you had told him differently in former times.

By Mr. POOL:

Question. The matter was brought before Judge Chase?

Answer. I do not know; I believe it was.
Question. Mr. Durham has not been tried?
Answer. No, sir.
Question. None of the men in the indictment have yet been discharged?
Answer. Oh, yes, sir.
Question. Those in the same indictment with Mr. Durham?
Answer. When I say discharged I do not use the word technically. Perhaps these five or ten used against him as witnesses were not put in the bill of indictment; it was ascertained how they would swear, and they were not put in the bill, but allowed to turn Sate's evidence. It would amount to the same thing.
Question. Complaint is made that the district attorney would not *nol. pros.* or keep out of the indictment seven men selected by Durham, as his friends, who would swear favorably to him?
Answer. I do not say that, but I say they selected men out of the defendants who would swear to suit them, and kept those in who would not swear to suit them. They kept him out of testimony in that way.
Question. Would you think it proper for the district attorney to *nol. pros.* men who were selected by the defendant?
Answer. I think it would have been fair to have proved it outside, *aliunde*, in the case of a man of Mr. Durham's high standing. I think that he ought not to have deprived him of all testimony. I think that he ought to have given him a fair showing on both sides. I think that is the policy of our law since 1866, to allow all facts to go to the jury, and let the argument go to the credibility and not the competency.
Question. Did Mr. Durham, or his friends, bring to the attention of the district attorney these seven men?
Answer. I do not know about that; I do not know how that was.
Question. You are not prepared to say the district attorney acted unfairly about it?
Answer. I am only relating what conversation I had with Mr. Durham.
Question. Fifty or sixty men who were present when Mr. Durham made the speech were indicted?
Answer. Yes, sir.
Question. And seven of those men will swear for Durham's benefit, and they are in the indictment with others; is that all there is of it?
Answer. Those are the facts, but not the whole of the facts; that is the truth, but not the whole truth.
Question. You spoke about United States marshals and commissioners selling discharges and making money out of it. Has there been any complaint before the appointing power, the United States district judge, of those things?
Answer. No, sir; we do not complain of anything the United States Government does; we bear it all as patiently as possible. We do not think there is any redress for it.
Question. Have you any doubt that if these facts were brought to the attention of Judge Brooks he would hesitate to remove them?
Answer. I do not think the United States authorities would believe anything a democrat said.
Question. I ask you as to Judge Brooks?
Answer. I heard a very prominent republican say he was going to try to stop Scoggins's proceedings; that they were outrageous.
Question. Do you believe Judge Brooks would hesitate to remove these marshals and commissioners if convinced that they were guilty?
Answer. Is it in Judge Brooks's power alone? because I will state it on my knowledge of Judge Brooks. I think they are appointed by the President. The commissioners are appointed by the President under the Ku-Klux bill. I will say I think Judge Brooks an honorable gentleman.

By Mr. POLAND:

Question. I think you are mistaken about the power of appointment?
Answer. I do not know; I think that if Judge Brooks was convinced that these men had done wrong he would remove them.

By Mr. POOL:

Question. Have you any doubt about his power to remove the deputy marshal?
Answer. I do not know.
Question. To issue a rule and bring up a marshal or a deputy?
Answer. That is a mere legal question that I have not examined. If I had the bill before me I might give my opinion.
Question. Has nobody brought to the attention of the court the malfeasance of these officers?
Answer. No, sir; I do not think any man is likely to risk persecution by doing it. I think we are in just the condition of having no redress in any way in Western North Carolina.

Question. And therefore you will not try to have redress?

Answer. No, sir; I should not try it, but protect myself personally.

Question. Do you not feel, as a good citizen, that you ought to bring the misconduct of officers to the attention of the court?

Answer. Yes, sir, if we had authorities that I had confidence in.

Question. Have you confidence in Judge Brooks and Judge Bond?

Answer. Yes, sir. I do not know that Judge Brooks has the power; but while I would complain to Judge Brooks, from the confidence I had in him, I would expect this horde of marshals to commence persecuting me. Judge Brooks would do his duty, but that would not protect me from the military coming at midnight to my house, and I would not willingly incur their displeasure. I do not think we have any redress for any offense committed by the military upon us.

Question. How many persons in Rutherford, Cleveland, Lincoln, and Catawba, in the aggregate, have confessed?

Answer. I cannot tell.

Question. As many as two hundred?

Answer. Yes, sir; I reckon perhaps two hundred and fifty. I never looked into those records.

Question. And in their confessions they have implicated other parties?

Answer. Yes, sir. I think, though, that the raiding has been confined to a very small proportion of those who belonged to the order. I think three-fourths of the order have never committed any violence at all, and perhaps one-fourth have committed violence, and they have told that others belonged to it.

Question. So you say there have been about two hundred and fifty confessions?

Answer. Yes, sir.

Question. Confessions upon oath, affidavit?

Answer. I do not know how they were made. I never saw one of them until here.

Question. Have not the arrests made been upon those two or three hundred confessions generally?

Answer. Yes, sir, I suppose they have.

Question. Then the evidence was not simply confined to that gang of nine men?

Answer. No, sir. I did not say that all in those counties were arrested on the confessions of these nine men.

Question. You took particular pains not to say it?

Answer. Yes, sir; I stated the fact.

Question. I want to know what proportion were arrested on those confessions.

Answer. One of these nine men said he had told on one hundred and forty-four.

By Mr. BLAIR:

Question. That was one of the Anderson Davis crowd?

Answer. Yes, sir.

By Mr. POOL:

Question. You do not know how many of the two hundred and fifty confessing told on them?

Answer. No, sir; I kept aloof from them.

Question. You are not prepared to say that any arrests have been made except upon adequate testimony?

Answer. Yes, sir; I will give you an instance. A young man, while I was at Gaston court, two weeks ago, named Rankin, was arrested. No warrant was shown to him. He was put in jail with about twenty-five or thirty men, a very cold night. They refused to let his attorney, or his father, or anybody else see him privately. They kept him two days, and the third day turned him loose; they had nothing against him. He was told that he was arrested not because he had done anything, but to make him tell on others.

Question. Do you know anybody who has been bound over to Raleigh, of the whole seven or eight hundred, except upon adequate testimony?

Answer. I am not prepared to give an opinion, as I have no knowledge of the facts. It would be a mere guess.

Question. You spoke of your opposition to secret societies?

Answer. Yes, sir, political societies; I am a mason.

Question. You had reference to political societies, as we all understood.

Answer. Yes, sir, I always opposed them. I am very sorry that I made an exception in what I regarded as a principle. Sometimes men differ in parties; perhaps all of us do that.

Question. You were never a Red String?

Answer. No, sir.

Question. Nor a Hero of America?

Answer. No, sir; nor a Union Leaguer, nor a member of any other political society.

By Mr. WADDELL:

Question. Nor a Know-Nothing?

Answer. No, sir, I never was. I do not know how it is with the balance of you.

By Mr. POOL:

Question. Was it a matter of general notoriety in the State that such an organization as Ku-Klux existed as early as January, 1870?

Answer. I do not know, sir, about that.

Question. It was a little after that that Governor Bragg wrote these letters?

Answer. Yes, sir. I do not know whether it was of general notoriety or not. I do not think myself that the organization has ever been general over the State, as far as I know. I think in some portions of the State it has been strong—different societies. I think this is in my reply which I have furnished. I do not think these societies were the same in any part of the State. For instance, the Constitutional Union Guards and White Brotherhood never existed in our part of the State. The Sampson and Lenoir County outrages were different. I think in different parts of the State they were different organizations and with perhaps different purposes to carry out.

Question. Wherever you heard of them they wore disguises?

Answer. Yes, sir.

Question. The same character of disguises?

Answer. I do not know whether they were or not.

Question. Is there not a similarity in all the oaths you have seen?

Answer. Yes, sir, there is some similarity, but I never should have taken a great many of the oaths I have seen, that I would obey any man's instructions and punish a man who divulged a secret. I think that was sufficient notice to any man that they were unlawful, and if that notice had been given me I never should have joined it.

Question. Were the signs similar?

Answer. I do not know what the signs of the Union Guards and White Brotherhood were.

Question. Were not the signs uniform throughout the State?

Answer. I do not think I ever heard the signs except those of the Invisible Empire.

Question. Was not the existence of this organization positively denied by the democratic press up to the summer of 1870, and every man denounced who charged it?

Answer. I am not prepared to say. I have not the papers with me. I believe a great many democratic editors did not believe it existed; for instance, my papers at Charlotte, the ones nearest to me. Mr. Watts told me he did not believe the organization existed until these developments took place. The nearest account I saw of it was an editorial in the Telegram by Mr. Hearne, the organ of Mr. Caldwell. I have endeavored to obtain his article. He stated that the original organization was lawful and that it had been perverted.

Question. Did not Mr. Hearne say he had been a member of it?

Answer. Yes, sir; he said in that editorial that the editorial was entitled to credit because he spoke from what he knew.

Question. You say he was publishing an organ for Governor Caldwell?

Answer. Yes, sir, understood to be his organ, the Telegram; all his communications went through that. Perhaps I do him injustice, and I would not do that. I will say that all his official communications and advertisements went through it. It was not understood to be a strictly republican paper, but he was generally opposing the conservatives.

Question. Was he opposing anything except the call of the convention?

Answer. I understood that he was.

Question. I mean anything of the principles of the democratic party?

Answer. I am not prepared to say, because I did not take his paper; but it was looked upon as an opposition paper in the State. I know his paper was taken by all the republicans in the country as a republican organ, and when Governor Caldwell got into personal difficulties Mr. Hearne was his personal friend.

Question. When you went, after receiving this letter from Governor Bragg, to Raleigh, the governor having charge of your cases, as was customary with you, did you have any talk with him?

Answer. No, sir; I did not attend the supreme court. I only go there occasionally, but I had to go there to have my own case argued, this rule against me. Governor Bragg was my counsel, and Mr. Strong and Mr. Moore. I did not see Governor Bragg; he was sick and starting for the springs. I met him just as he was about taking the train for the Virginia springs.

Question. Did you talk with any of the leading democrats of Raleigh on the subject?

Answer. No, sir. I have conversed as little as possible on the subject except where I could do some good in regard to it.

Question. You said you had been at only one Klan meeting in Lincoln?

Answer. No, sir; I said I had not been at any Klan meeting. I was at a meeting on one occasion.

Question. When you were initiated?
Answer. Yes, sir.
Question. Were you at any other meeting?
Answer. No, sir.
Question. Never at a meeting anywhere?
Answer. No, sir.
Question. Were not the democratic papers in the State denying the existence of this organization and denouncing everybody that asserted its existence, at the very time that Governor Bragg wrote you this letter?
Answer. I am not prepared to answer that question without looking at the papers I take but the Sentinel, and Democrat, and the North State.
Question. The Sentinel is the organ of the party?
Answer. Yes, sir.
Question. Did not that paper denounce everybody who asserted the existence of the organization, up to the trials in the summer of 1870?
Answer. I do not think it was that way. I think that Mr. Turner wrote editorials charging that there were violences committed by Leagues and Ku-Klux, and that both ought to be put down and stopped; but I did not understand him to deny the organization, but to be opposed to both of them.
Question. I suppose I may be allowed to state that Mr. Turner said, when he was a witness before the committee, that up to the trials or up to the investigation which occurred in August, 1870, before the supreme court judges, he had denied the existence of the organization in the State, and did not know anything of its existence.
Answer. You may make that statement; I have no objection.
Question. He afterward modified and said that early in the spring of that year he had denounced it.
Answer. I will state that I have not taken his paper for some months; I have not approved of some things in his action, and did not take it. I take the Era.
Question. You say that Governor Bragg, when he wrote that letter, was chairman of the democratic executive committee of the State?
Answer. Yes, sir; but I do not desire to say that he wrote it to me in that character. I say expressly that he did not.
Question. He resided in Raleigh?
Answer. Yes, sir. He wrote me a private letter as a gentleman and a citizen, not as an officer, by any means in the world.
Question. By what means did you succeed in leaving the organization?
Answer. I just told my friends I did not intend to have anything to do with such an organization as that at all.
Question. There was never any formal action taken by a den or meeting?
Answer. I never belonged to a den, nor was enrolled, nor considered myself as belonging, nor connected with it; and when I saw proper to quit I quit. My idea was this: I honestly believed it was a lawful organization, and as long as I could control it I did so, and as soon as I saw it was running into violence I ceased to have anything to do with it.
Question. You say Mr. Durham took nine members of the order with him?
Answer. Yes, sir; I do not know that they were all members of the order.
Question. He took them to a meeting of the order?
Answer. Yes, sir.
Question. What was the date of that transaction?
Answer. It was about the time of the Biggerstaff raid—must have been; the Biggerstaff raid, I think, was committed before the Ku-Klux bill passed, and it was before that, according to my recollection.
Question. It was in the spring of 1871?
Answer. Yes, sir; last spring; the reason I state that is, that the indictment in the Biggerstaff raid was under the enforcement act, because it was before the Ku-Klux act.
Question. You say the sheriff of Cleveland County was one of those nine men?
Answer. I have so understood; I do not know it to be a fact.
Question. I ask you the general question: do you say those convictions at Raleigh were unjust?
Answer. No, sir; I think they were very just.
Question. You complained of the jury; do you think they could have found otherwise?
Answer. I did not complain of them; I stated facts; you put me under oath and asked for facts; I was reluctant to state them, but Senator Blair pressed me for these facts; I was reluctant, and said I did not know except from information; now you say I complained; if you ask me my opinion I will say I believe they were convicted justly, and punished no more than they ought to have been; I think the punishment was just; I have no sympathy with those men whatever.
Question. When I said you complained, I meant that you stated complaints.
Answer. I only stated facts; I had to answer the questions; I do not want to be

placed by any report of my testimony in the position of coming here as a partisan to accuse a court or people; while I am on oath I shall try to answer questions correctly, but I do not want to throw myself into personal difficulties with the courts or judges, or those with whom I associate; but if it is drawn out of me I am a witness, stating facts, not a complainant.

Question. You believe that that jury did act fairly, rightly, and justly?

Answer. I do; I think their verdict was just; if I had been on the jury I would have found the same verdict.

Question. Then however that jury was drawn, and with whatever shade of political opinion it was composed, it did act justly and fairly, and found a righteous verdict?

Answer. Yes, sir.

Question. And therefore nobody suffered?

Answer. No, sir; nobody suffered unjustly; there might have been other cases where the evidence was not so plain in which they might have done it, and therefore I think the jury should have been composed of both parties.

Question. In point of fact justice was done?

Answer. Yes, sir; I think so.

Question. Has it been charged, or do you know, that a part of the obligation taken by this Klan in some localities is that they will clear members of the order if they get upon juries?

Answer. I never heard that in my life until Boyd swore it in the Holden trial.

Question. You have never heard it from any other source?

Answer. I never did.

Question. Would you think it entirely prudent and compatible with the ends of justice for a member of this Klan to sit upon a jury when another member was on trial?

Answer. Well, sir, after the organization had been perverted to unlawful purposes, I do not think it would.

Question. They were never put upon trial until after that?

Answer. There have been very few trials in the State courts for the reason that they could not get at the testimony.

Question. There had been no trials until after the order had been perverted?

Answer. You desire my opinion as to whether it would have been proper to put a member of that order on the jury that tried these men at Raleigh?

Question. Yes, sir.

Answer. I will answer in this way, that the members that have belonged to it in these latter days, committing violence, I do not think should have been, but those gentlemen who left it long ago, and who had joined it when they thought they were in it for lawful purposes, I think would give as fair a verdict as any men. I would say that those gentlemen whose names I have mentioned as being in my office, would give as fair a verdict as any men, the same verdict which was given in the Shotwell case.

Question. Had that class of gentlemen made public their severance of their connection with the organization at that time?

Answer. No, sir; I do not think they had.

Question. Could the marshal have known it?

Answer. I do not think they ever mentioned it. I do not think they would do it; it would not have been prudent for them.

Question. When this class of men left the organization they did not make it public?

Answer. No, sir; I never heard any publication of a man that he had withdrawn from the Invisible Empire.

Question. Do you not think that if they had done so their influence would have been more potent for the suppression of it?

Answer. That is a matter of opinion.

Question. Would not the bare fact that such men had left it, for the reasons you have assigned, been potent for its suppression?

Answer. I am not prepared to say whether it would have been potent or impotent. I think myself I did more good by my private influence against the order than I could by coming out publicly, because I would have arrayed myself against it at once.

Question. You think those gentlemen were afraid to come out publicly?

Answer. I do not know about those gentlemen; I know they ceased to have any connection with it and so did I; the whole matter has nearly passed out of my mind; it has been nearly two years ago, and some of these statements I have to give from my memory; I know I never in my heart had any idea that I had committed a crime; I never thought of such a thing in the world; my conscience is perfectly clear upon this point.

Question. The fact I wanted to get at was, that those who disapproved and quit the organization kept their sentiments secret?

Answer. I do not think they did; when they met members of the order, and had heard that they had committed violence, they would remonstrate with them about these things; I have done that; I recollect one of these men that shot Wade Frazier, I met him on the street afterward; that was committed on the night of the day that

the Ku-Klux bill passed; I told him such outrages as that would destroy society; I told him if he knew it I would like to know it in order to punish them; he was brought up before Starbuck, and Starbuck pressed him to swear against me, and he told him that was all he could say against me.

Question. How could a man get out of the organization; he had taken an oath without regard to time?

Answer. That is a matter of argument. I take the ground that a man can cease his connection with anything; I had no written connection with it; I never sent in my name, never was enrolled, never signed a constitution.

Question. Did these gentlemen do any more than simply to express their disapprobation in a private way of the outrages committed?

Answer. Yes, sir, I talked to several gentlemen who said they did not intend to have anything more to do with it, and did not.

Question. Did they do more than that?

Answer. I do not know that they did.

By the CHAIRMAN:

Question. Do you consider the obligation which you did take as any longer binding upon you?

Answer. No, sir, I do not. I considered it nothing more nor less in the world than passing a set of resolutions in a democratic meeting and keeping it secret. I thought all this flummery about disguises was to bring in ignorant men and get them to join the society. I thought the very policy which made a man join the Union League would make him join this Invisible Empire. I think the moment a man wanted to separate from the Union League his promise or oath was no longer binding. I regarded this as a set of resolutions in a presidential campaign.

By Mr. POOL:

Question. Then you never felt yourself bound at all in the nature of an oath?

Answer. No, sir; as I stated, these were the principles I had espoused. I considered it an obligation to assert these principles, but if I had been convinced that these principles were wrong, I should not have hesitated to change and denounce them. I think the obligation was wrong, if that is what you want to get at.

Question. I want to know how you could get clear of it?

Answer. There are several ways of getting out of a difficulty; one is to fight out and one is to back out; I backed out.

Question. Have many persons fled the country in that region?

Answer. Yes, sir.

Question. Innocent or guilty?

Answer. I do not know who was innocent, or who guilty.

Question. Do you think any innocent man has fled?

Answer. Let me study; a heap of men have run off.

Question. How many—five hundred?

Answer. I cannot tell you; not that many in my county.

Question. I mean in all those counties there?

Answer. I cannot tell; I think, perhaps, two or three hundred have run off from that portion of the country.

Question. Do you think any innocent man has run off from that section of country?

Answer. I am not prepared to say. I do not know who is guilty or who innocent.

Question. I ask your judgment.

Answer. How am I to give an opinion? Two hundred men are charged with crime and they run off.

By the CHAIRMAN:

Question. You say you cannot answer it?

Answer. I cannot answer it, because I do not know the fact to justify my opinion.

By Mr. POOL:

Question. Have you reason to believe that any innocent man has fled from justice?

Answer. No, sir, I do not have any reason to believe any way at all about it. I wish to be understood as giving no opinion about it. I do not know the nature of the charges.

Question. Some have fled from your county?

Answer. Yes, sir, a good many. They have been charged by testimony I do not know anything about. I never conversed with them nor examined the testimony, and I do not know whether they were innocent or guilty.

Question. Men you were acquainted with?

Answer. Yes, sir, some of them. A large majority I did not know. They are in the lower orders of life. In our county there are iron manufactures and there are large numbers of coalers and wood-choppers—the lower order of negroes and whites. There is the High Shoals Iron Manufactory, which has 15,000 acres of land, running through

three counties. These coalers are squatted all over that, and they have mostly committed these outrages. They come to me to defend them. I do not know one in fifty of them. I do not know whether they are guilty or not. They are always in broils with the negroes, and fighting backward and forward. I cannot say whether they are guilty or not.

Question. Pettis was arrested about fifteen miles from the South Carolina line?

Answer. Yes, sir. I give that as opinion—ten or fifteen miles.

Question. There is no point made on the distance. He was arrested by United States troops?

Answer. Yes, sir.

Question. Taken into South Carolina?

Answer. Yes, sir.

Question. Did not Governor Caldwell make complaint to the President?

Answer. All I know about it is what I saw in a message last night in a North Carolina paper. I there saw a communication from Governor Caldwell to the legislature, in which he stated that he had laid that matter before the President.

Question. Has Mr. Pettis been released by the President's order?

Answer. I only know from what Mr. Waddell remarked awhile ago, that he was discharged.

Question. Mr. Pettis was charged with being a party to a murder?

Answer. Yes, sir.

Question. Was his arrest unlawful if he was charged with a capital felony, in your opinion as a lawyer?

Answer. I have not examined that question, sir, and cannot give you an opinion. I think it was unlawful. My reason is, I do not think they had a right to go out of the district where the *habeas corpus* was suspended without a warrant. The law may provide otherwise.

Question. May not any one arrest a murderer?

Answer. Yes, sir, if fresh pursuit is made, by the common law and statute law. In this case it was a year and a half before, and he had been a resident there all the time and could have been arrested. I do not think the common law or statute law would justify arresting him eighteen months after the offense alleged, when he was there all the time.

By the CHAIRMAN:

Question. Of course as to time you give your opinion. That was a case which was before the sub-committee in South Carolina, and I think it was after the election of last year that Roundtree was killed in South Carolina.

Answer. I would be glad to be corrected. I have heard of it, but I do not know how long ago it was.

Question. Do you think his arrest was lawful without a warrant?

Answer. Not if the time had elapsed that you stated; the common law would not authorize it.

Question. You have stated that you were initiated into this organization in the county of Gaston; also that you met gentlemen whom you believed and knew to be members of the organization in the county of Lincoln. From these facts, have you any doubt that the organization was the same and that the members had means of communication with each other, in those two counties at least?

Answer. I think that the organization was very similar, but I am not prepared to say what the oath of Lincoln County was, because I do not know. Now, Lincoln County may have been the same as Cleveland County or Gaston. The obligations differed. What it was I do not know. I never was at a meeting.

Question. The point is, were they not so far identical as to afford the means of communication with each other and recognition?

Answer. O, yes, sir, I think they were.

By Mr. BLAIR:

Question. In reference to these persons who ran away from that part of the country, the question was asked whether they were all guilty or not. Might it not very well happen that men, for instance, in your own situation, who had joined in this matter at a very early period, and never participated in any of these outrages, yet seeing the course of conduct pursued by Scoggins and others, might have been inspired with terror and ran away?

Answer. Yes, sir; that is the experience in criminal practice we all have; that innocent men sometimes run away, and I think it is as likely to occur in this case as any others; but to give my opinion on a basis of fact I cannot do it. I believe theoretically that men will do it, though the Bible assumes that only the wicked flee.

Mr. BLAIR. I see the President assumes that only the guilty flee where they are going around and picking up men whether guilty or not.

APPENDIX TO THE TESTIMONY OF DAVID SCHENCK.

CONSTITUTION.

ARTICLE I. This organization shall be known as the ——— Order, No. ——, of the Ku-Klux Klan of the State of South Carolina.

ARTICLE II. The officers shall consist of a cyclops and scribe, both of whom shall be elected by a majority vote of the order, and to hold their office during good behavior.

ARTICLE III, SECTION 1. It shall be the duty of the C. to preside in the order, enforce a due observance of the constitution and by-laws, and an exact compliance to the rules and usages of the order; to see that all the members perform their respective duties; appoint all committees before the order; inspect the arms and dress of each member on special occasions; to call meetings when necessary; draw upon members for all sums needed to carry on the order.

SEC. 2. The S. shall keep a record of the proceedings of the order; write communications; notify other Klans when their assistance is needed; give notice when any member has to suffer the penalty for violating his oath; see that all books, papers or other property belonging to his office, are placed beyond the reach of any one but members of the order. He shall perform such other duties as may be required of him by the C.

ARTICLE IV, SECTION 1. No person shall be initiated into this order under eighteen years of age.

SEC. 2. No person of color shall be admitted into this order.

SEC. 3. No person shall be admitted into the order who does not sustain a good moral character, and who is any way incapacitated to perform the duties of a Ku-Klux.

SEC. 4. The name of a person offered for membership must be proposed by the committee appointed by the chief, verbally, stating age, residence, and occupation; state if he was a soldier in the late war, his rank, whether in the Federal or confederate service, and his command.

ARTICLE V, SECTION 1. Any member who shall offend against these articles, or the by-laws, shall be subject to be fined and reprimanded by the C., as two-thirds of the members present at any regular meeting may determine.

SEC. 2. Every member shall be entitled to a fair trial for any offense involving reprimand or criminal punishment.

BY-LAWS.

ARTICLE 1, SECTION 1. This order shall meet at ———.

SEC. 2. Five members shall constitute a quorum, provided the C. or S. be present.

SEC. 3. The C. shall have power to appoint such members of the order to attend to the sick, the needy, and those distressed, and those suffering from radical misrule, as the case may require.

SEC. 4. No person shall be appointed on a committee unless the person is present at the time of appointment. Members of committees neglecting to report shall be fined 30 cents.

ARTICLE II, SECTION 1. Every member, on being admitted, shall sign the constitution and by-laws and pay the initiation fee.

SEC. 2. A brother of the Klan wishing to become a member of this order, shall present his application with the proper papers of transfer from the order of which he was a member formerly, shall be admitted to the order only by a unanimous vote of the members present.

ARTICLE III, SECTION 1. The initiation fee shall be ——.

ARTICLE IV, SECTION 1. Every member who shall refuse or neglect to pay his fine or dues shall be dealt with as the chief thinks proper.

SEC. 2. Sickness or absence from the country or being engaged in any important business shall be a valid excuse for any neglect of duty.

ARTICLE V, SECTION 1. Each member shall provide himself with a pistol, Ku-Klux gown, and signal instruments.

SEC. 2. When charges have been preferred against a member in proper manner, or any matters of grievance between brother Klux are brought before the order, they shall be referred to a special committee of three or more members, who shall examine the parties and determine the matters in question, reporting their decision to the order. If the parties interested desire, two-thirds of the members present voting in favor of the report, it shall be carried.

ARTICLE VI, SECTION 1. It is the duty of every member who has evidence that another has violated Article II to prefer the charges and specify the offense to the order.

SEC. 2. The charge for violating Article II shall be referred to a committee of five or more members, who shall, as soon as practicable, summon the parties and investigate the matter.

SEC. 3. If the committee agree that the charges are sustained, that the member on trial has intentionally violated his oath, Article II, they shall report the fact to the order.

SEC. 4. If the committee agree that the charges are not sustained, that the member is not guilty of violating his oath or Article II, they shall report to that effect to the order and the charges shall be dismissed.

SEC. 5. When the committee report that the charges are sustained, and the unananimous vote of the members is given thereof, the offending person shall be sentenced to death by the chief.

SEC. 6. The person, through the cyclops of the order of which he is a member, can make application for pardon to the Great Grand Cyclops of Nashville, Tennessee, in which case execution of the sentence can be stayed until pardoning power is heard from.

ARTICLE VII, SECTION 1. Any member who shall betray or divulge any of the matters of the order shall suffer death.

ARTICLE VIII, SECTION 1. The following shall be the rules of any order to any matter herein not provided for; shall be managed in strict accordance with the Ku-Klux rules.

SEC. 2. When the chief takes his position on the right, the scribe, with the members forming a half-circle around them, and at the sound of the signal instrument there shall be profound silence.

SEC. 3. Before proceeding to business, the scribe shall call the roll and note the absentees.

SEC. 4. Business shall be taken up in the following order:

1. Reading the minutes.
2. Excuse of members at preceding meeting.
3. Report of committee of candidates for membership.
5. Collection of dues.
6. Are any of the order sick or suffering?
7. Report of committees.
8. New business.

WASHINGTON, *December* 6, 1871.

The CHAIRMAN. I submit to the committee the following communication:

"OFFICE UNITED STATES CIRCUIT COURT,
"*Raleigh, November* 27, 1871.

"SIR: I have received your letter of the 25th instant, asking for a 'statement of the number of bills found under "the enforcement act of 1870, and under the act to enforce the provisions of the fourteenth amendment, by the grand jury at the late term of the circuit court of the United States, at Raleigh, North Carolina, stating the number of defendants embraced in the bills, how many defendants were convicted, how many plead guilty, and how many were acquitted;' and in answer thereto I have the honor to submit the following statement:

"Under the acts of May 31, 1870, and April 20, 1871, above referred to, there were found, at the last session of this court, 61 bills of indictment, embracing 763 defendants, of whom 24 were convicted, 23 pleaded guilty, 13 were acquitted, *nolle prosequi* was entered as to 9, and the others have not yet been tried.

"In some instances the names of some of the defendants appear in several bills, and when convicted in the first they pleaded guilty in the others.

"I have the honor to be, very respectfully, your obedient servant,

"N. J. RIDDICK, *Clerk.*

"Hon. JOHN SCOTT,
"*United States Senate, Washington, D. C.*"

TRIALS AT RALEIGH, NORTH CAROLINA.

RECENT TRIALS IN THE CIRCUIT COURT OF THE UNITED STATES, AT RALEIGH, NORTH CAROLINA.

DEPARTMENT OF JUSTICE,
Washington, January 27, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant, wherein you state that the following resolution has been adopted by your committee:

"*Resolved*, That the chairman of this committee be directed to obtain from the Department of Justice copies of the reports on file of the recent trials in the circuit court of the United States at Raleigh, North Carolina, and Columbia, South Carolina, for violations of the enforcement act of May 31, 1870, and the act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, approved April 20, 1871."

In compliance with the resolution of your honorable committee, I transmit herewith the original report of the recent trials at Raleigh, North Carolina. Owing to the limited clerical force of this Department, I am not able to have a copy of said report made, and have to request that when your committee shall have done with it either the original, or, in case it should be printed, a copy thereof be returned to this Department to be placed upon its files.

I have this day addressed a communication to the attorney of the United States for the district of South Carolina, calling for the report of the trials at Columbia, he not, as yet, having transmitted it to me.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney General.

Hon. JOHN A. SCOTT,
Chairman Joint Select Committee, &c., United States Senate.

THE JUSTICE RAID, OR THE RAID ON RUTHERFORDTON.

UNITED STATES, *vs.* RANDOLPH ABBOTT SHOTWELL, F. A. Shotwell, Adolphus Depriest, Amos Owens, Calvin Teal, William Tanner, William McIntire, George Holland, William Teal, David Collins, William Scruggs, Spencer K. Moore, Benj. F. Fortune.	For conspiracy against James M. Justice, under act of April 20, 1871.

Spencer K. Moore and Benj. F. Fortune pleaded guilty.

Randolph A. Shotwell, Adolphus Depriest, Amos Owens, William McIntire, George Holland, William Teal, David Collins, and William Scruggs were convicted.

F. A. Shotwell, William Tanner, and Calvin Teal were acquitted.

NOTE.—The above list comprises the names of all parties indicted, though some were not present at trial, being yet at large.

J. H. DUPRAY.

TESTIMONY OF JAMES M. JUSTICE.

Interrogatories by counsel for United States, (Phillips:)

Question. Your name, sir.
Answer. James M. Justice.
Question. Of what county?
Answer. Of Rutherford County.

Question. Member of the general assembly?
Answer. Yes, sir; have been since June, 1868.
Question. Elected when last?
Answer. August, 1870.
Question. Upon what ticket, sir?
Answer. Upon the republican ticket.
Question. Who was the candidate for Congress in that year?
Answer. N. H. Jones.
Question. On what ticket?
Answer. On the republican ticket.
Question. Did you stump the county, sir?
Answer. Yes, sir; I spoke in my county and in some other counties.
Question. Advocate his cause?
Answer. Yes, sir. I was a member of the convention that nominated him.
Question. Go on, sir, and tell the jury of an attack that was made upon you; when, how, and where it was.

The WITNESS. Well, sir, the attack of which you speak was made on me at my house on Sunday night, the 11th of last June. I was asleep in my bed-room, which is in the second story of a brick building on the main street. The first story of the building was used as a dry-goods shop and drug-store, the first of which is on the east side of the main street. There is a saloon and two buildings fronting the main street, and the stores are north of my dwelling. My gate enters an avenue north of the upper office. The main entrance to my house is from a portico, the stairs running down in a northern direction. It is some thirty yards from the foot of the stairs to the gate.
Question. What kind of stores below did you say?
Answer. The house below is a store-house and drug-shop, and above is my residence.
Question. Which way does the stairs run?
Answer. It runs straight down.
Question. That is to say, north, too?
Answer. Yes, sir.

The WITNESS, (continuing.) I was awaked that night by a violent rushing and beating on my door and the firing of guns and pistols. It was raining very hard when I awoke, and I anticipated the trouble, and I intended to get out of my bed and——[The witness was interrupted by counsel, and told to state none of his intentions, but his real acts.] I got up out of my bed, and by that time two men advanced into the room. The door had given away, though the iron that received the lock was there. The doors were locked and propped, as I always propped them before going to bed. I passed behind the bed, and one man I heard to say, "Light a match," and instantly a match was lighted, making everything bright and visible in the entry and in the room. I saw two men standing in my room near the side of my bed, with frightful disguises on their heads. I saw nothing on the body of these two men. They had on a red face-covering, with eyes bound with white and the nose white, and horns stood erect about ten inches long—seemed to be ornamented with a white stripe and had a tassel with ornaments; and immediately on seeing me one man approached and said, "O, you damned radical, we have you at last;" and they took hold of me by the right arm and seized my throat, and pulled me through into the entry, and as I approached the entry where stood the others, they commenced beating me with their fists. I received several blows on my body. They brought me to the main entrance; then my only hope was to arouse the citizens, and I hallooed. I saw a blow coming with a pistol which felled me to the floor, when they struck me several times in the side. I did not experience much pain from the blows in my side at that time. I did not know how they took me down. I afterward discovered slight bruises on my legs, as if they had been dragged over a board.
Question. Where was Mrs. Justice?
Answer. She was in the bed.
Question. Was she awake?
Answer. Yes, sir.
Question. Did she say anything?
Answer. No, sir; I told her not to speak.

The WITNESS, (continuing). Some one at the foot of the steps out in the street demanded of me to deliver him my pistol. I told him it was in the drawer in my room. I was then carried out to the gate. It was raining very hard, and I had on only a shirt, and no other garments. The rain revived me and I soon came to my senses, and heard many voices that seemed familiar to me. It was dark and cloudy, and lightening. In the street they passed at my gate, a man on each arm; one on my right a large, powerful-looking man, and one on my left not so large. They commenced firing guns and pistols along the street, and shouts and screams and expressions of exultation were raised that exceeded anything I ever heard. A man asked me where that "damned Logan" was. Mr. Logan was in business with me and was in the habit of sleeping at my office. They started in the direction of the court-house, and they went so fast down

the street I was compelled to run for a little time to keep up with them. We came to the court-house, where some man called out, "This is the way."

Question. What part of the compass did you go?

Answer. They went south, near to the court-house, and turned right across the public square, and the greater portion of the crowd in that direction. About a dozen followed with me. I looked around to see if I could possibly escape if I could release myself from their grasp. They turned east, in the direction of Shelby road. They ran and pulled me along. While they carried me the man who held my right arm asked me what my business was. I told him I was engaged in the practice of law. He asked what kind of cases I had on hand. I told him I had a variety of cases. He then asked me what kind of cases I had been engaged in. I told him I had been engaged in Ku-Klux cases. He said, "Yes, sir, you made a distinguished speech the other day." I told him I had made some remarks, but that I did not know they were distinguished. He said I had proposed, in those remarks to which he referred, to hang their leaders.

Question. Whose leaders?

Answer. The leaders of that Den; he said "our leaders." He said, "You proposed to hang our leaders; now, what if you should be hung—a leader of the radical party?" I answered him that I had not counseled any one to do wrong. He carried me on further, and some man, who seemed to be concealed in the thicket or brush, hallooed to the man who had me, who made some very low answer. A voice said, in that direction, "Who have you?" They told me to answer and tell my name or they would kill me. I told it, and they raised a yell that is peculiar to them. He asked me if I wished to see a Ku-Klux. I told him I had seen all I wanted to, and did not want to see any more. He said he could raise a yell and call five hundred Ku-Klux. I was carried away to some men with horses. I didn't know how far the line extended. I saw fifty horses or mules; I didn't know how many. There were men around the principal of them—some with gowns, some in their usual garments, but the greater portion had coverings over their heads. They stopped and had a conversation with me about my political course. They asked if I was not ashamed of being of that party that put negroes to rule and govern. They said the white men would not suffer such things; that I had been warned; that my course would not longer be borne by the whites of this country; that they had brought me there to put me to death. I told them I had supported the national republican party because I thought it was right. They told me I was a liar; that a man of my sense knew it was not right; that the whites could not stand such a government. We argued some time in this manner. They said they were determined to kill me. At that time, the man who had befriended me asked for the chief of "Horse Creek" Den. I frequently heard that name mentioned before. Some one replied that there was no officer present; but the same voice said there was a "second" there. He then told him to tell the "second" to take charge of his men if he had any command over them. He said he wanted to talk with me; that he was a South Carolinian, and had never seen me before. He told me I had to stop the course I was on. He said he was disobeying orders, for he had orders to kill me at that time without inflicting any blows. He could, he said, use his discretion when circumstances justified the sparing of a life, and that he would like very much to have me in his order. I told him I would rather decline and retire from public life. He said he must have Biggerstaff; that he had behaved very badly, and had given his men a great deal of trouble. I have not spoken of all, but only of that which referred to him. They spoke of Carpenter and Downey, and said they were traitors to their cause, and that they knew Downey had talked with me. I told them he had not.

Question. Was it raining all the time.

Answer. Yes, sir.

Question. You were in your shirt alone?

Answer. Yes, sir.

The WITNESS, (continuing.) At the time I arrived there, some man asked another to hold the mules, and look around for the rope; he said he had brought a rope to hang the "damned rascal" with. One said he was going to take me to South Carolina, that Scott wanted me, and others made other remarks. I grew very weak; my head was bleeding, and the wounds I received in my side became very painful, and I felt about to faint. I asked him to let me sit down, which he at first refused to do, and asked me what was the matter with me. I said, "My head was bleeding." He said, "He thought it would do me good to bleed, to take the negro equality blood out of me." I then sat down as he bade me to do. They asked me if I knew them. I told them I did not, if I was to be sworn before God. They said, if they knew that I knew them, they would kill me instantly. After a half an hour or so, they came on a crowd, and on coming up, a voice called out for the prisoner, and they bade me get up, and carried me forward a few steps to where the man spoke, and there was a man who had on a common rubber coat, and had his face covered. He took charge of me, and the other men went away. He repeated a good deal of talk about my political course, and mentioned the subject of my very extreme radicalism.

Question. Do you remember anything he said?

Answer. He said, I had been a very strenuous opponent to the calling of the convention; that I had supported the radical party to the ruin of this country; that the people would not allow this negro rule, and that the white men proposed to rid themselves of it; that they had come to take my life, and if I had anything to say, I had better say it, for my time was very short. He, at last, asked them what I would give him if I was discharged. I told him, he saw all I had with me, but that I would give all I had.

Question. This, the man with the rubber coat?

Answer. Yes, sir.

The WITNESS, (continuing). He, at last, said, if I would show him Mr. Biggerstaff he would discharge me. I said, I did not know where Mr. Biggerstaff was. He told me that was not the truth; he said that I was his (Biggerstaff's) friend, and knew where he lived. I told him he lived in the old hotel building. He said, they had broken the doors, and they could not find him there. He insisted that I could find Mr. Biggerstaff, and said if I found him he would discharge me. He then said to the crowd who would go back with me and get Biggerstaff, and then discharge me. That was disapproved by the crowd. They said, they had come to kill me and they were going to do it, and could get Biggerstaff another time. They said they objected purely to my political course, and said if I was let off I would go to Washington and raise a big row about them. Some voice in the crowd affirmed that he would shoot me anyhow. Then this man who had me collected some others in a circle around me—four on foot and one on horse—and said, "Now, if you shoot, you will kill your friends. I want to talk with this man," my friend continued, "about Biggerstaff." After this a little man approached, and placed a pistol over the man's shoulder and said that was the tool they had to work on "damned radicals" with. They mentioned something about Downey and others, and wanted me to tell them where they were. They said Mr. Carpenter and Mr. Logan must change their political course, or die; that Biggerstaff would be killed anyway wherever he went; that if he left the country he would have to be killed; that they had "Dens" all over the United States and only had to send an order for his death; and, in conclusion, called me aside and said that if I would give him information as to Mr. Biggerstaff, he would discharge me. He asked me to meet him at Cowpen's on the next Saturday night. I told him I was afraid of his men and all the Ku-Klux parties, and that I did not travel down there now, nor had not for some months through fear. He said he would make that all right if I would come. I told him I would make no promises about it. The man seated on the horse said he could make a suggestion that would do. He said I could not go so far, but asked me to meet them on Saturday night at Cox's shop at 9 o'clock, and told me if Judge Logan would arrive, or if Biggerstaff was there, to give them information, and if I would keep my promises I would never be troubled again. I promised all and told him if he was ever in trouble to let me know that he was the man that befriended me and I would be his friend, and do all I could for him. I went home afterward as quick as I could. My feet were much torn, but found my family all gone out of the house.

Question. Any one there?

Answer. No. sir; I found no one there. I called to the neighbors and afterward found that they heard me but did not answer.

Question. Mr. Justice, how long were you out?

Answer. Well, sir, I cut some chips when I got back, and made a light and found it was half past 2 o'clock.

Question. What time did you go to bed?

Answer. Nine o'clock, sir.

Question. Nine is early, is it not?

Answer. Yes, sir.

Question. What estimation would you give of the time you were absent?

Answer. About an hour and a half.

Question. Do you think you recognized any of them?

Answer. I have an impression of several men whom I saw there.

Question. At that time, sir.

Answer. Yes, sir.

Question. Mention the names.

Answer. I feel confident Randolph A. Shotwell was there, from his voice and size.

Question. Did he talk?

Answer. Yes, sir.

Question. What did he say?

Answer. I think he said, when he started in the direction of the Star Office, "This is the way."

Question. Was he disguised?

Answer. I think he had a disguise over his head.

Question. What about his clothes?

Answer. He had on a suit I had seen him wear—a long black frock-coat. I had seen him wear it several times. He is a fine-looking, well-built man.
Question. Is Mr. Shotwell in court?
Answer. Yes, sir.
Question. Has he the same coat on?
Answer. I don't see him now; he has on a black coat, but cannot state.
Question. Any others?
Answer. There were some young men in the village that I knew.
Question. Will you mention any other name?
Answer. Yes, sir; Mr. Harrill was there.
Question. Some other name, sir?
Answer. James Goode was there.
Question. What did he say?
Answer. At the Tuesday trial he was one of the defendants; he asked me then to treat him. I told him I could not treat him. He said I was more desirous of hanging him. I told him, O, no. He repeated these remarks that night.
Question. Who else were there?
Answer. Mr. William Webster was there.
Question. How did you recognize him?
Answer. From his voice and size.
Question. Did you know him?
Answer. Yes, sir; he was one of the parties I had before me on trial. I think I knew Mr. Tacner.
Question. Why?
Answer. I thought it from the very peculiar way he stood about me. He has a peculiar way of standing. I don't often see a man stand as he does.
Question. Who else?
Answer. I think I recognized two young men by the name of Depriest. I was of the opinion that Adolphus Depriest was there.
Question. Why?
Answer. Well, sir, I thought I thought I knew his voice. I am not certain of it.
Question. Did you think that night he was there?
Answer. Yes, sir.

By counsel for defense:

Question. Did you say you were not certain of it?
Answer. No, sir; I was not certain.

By counsel for United States:

Question. Now, who else were there?
Answer. Joseph Depriest, I thought, from his size and appearance.
Question. Any other name?
Answer I think Horton.
Question. You judged them all by their voices and general appearance?
Answer. Yes, sir. I saw other men who were not disguised at all, whom I did not know.
Question. You knew Horton?
Answer. Yes, sir; it is my impression he was there.
Question. Mention another.
Answer. I think I recognized the voice of Mr. Ladson Mills, jr.
Question. Where is he?
Answer. He has fled the country.
Question. Where is Webster?
Answer. He has fled also. I think Mills and Webster left together.
Question. Who else?
Answer. Ambris Mills.
Question. Where is he?
Answer. He left the country, sir.
Question. Did he leave soon after the occurrence?
Answer. Yes, sir.
Question. Who else?
Answer. Gather Trout.
Question. Where is he.
Answer. He is absent from the country.
Question. Was Calvin Teal there?
Answer. No, sir.
Question. William McIntire?
Answer. I did not know him at that time.
Question. William Teal?
Answer. William Teal I did not recognize that night.

Question. Was Amos Owens there?
Answer. I think not, for if he had been there I should have recognized his voice.
Question. Any other name?
Answer. Yes, sir; I think Thomas McIntire, and F. A. Shotwell were there.
Question. You say they took your pistol away?
Answer. Yes, sir; the man that asked me where it was went back into the house; when I returned I found the drawer in which my pistol was open; the scabbard of the pistol was lying on the floor, but the pistol was gone. Then I sent for a physician to dress my wounds.
(He was recalled and asked:)
Question. Was Alexander H. Jones elected to Congress?
Answer. Yes, sir; he was.

TESTIMONY OF J. R. DEPRIEST.

By counsel for United States:
Question. Mr. Depriest, I will read a paper; see if you recognize it.

Oath of the Invisible Empire.

"I, before the great immaculate God of heaven and earth, do take and subscribe to the following sacred binding oath and obligation: I promise and swear that I will uphold and defend the Constitution of the United States as it was handed down by our forefathers in its original purity. I promise and swear that I will reject and oppose the principles of the radical party in all its forms, and forever maintain and contend that intelligent white men shall govern this country. I promise and pledge myself to assist, according to my pecuniary circumstances, all brothers in distress. Females, widows, and their households shall ever be specially in my care and protection. I promise and swear that I will obey all instructions given me by my chief, and should I ever divulge or cause to be divulged any secrets, signs, or pass-words of the Invisible Empire, I must meet with the fearful and the just penalty of the traitor, which is death, death, death, at the hands of the brethren."
Answer. Yes, sir.
Question. What was that?
Answer. That was the oath of the Invisible Empire.
Question. Did you belong to that Empire?
Answer. Yes, sir.
Question. What were you?
Answer. I was chief.
Question. Of what camp?
Answer. Den No. 3.
Question. Who administered that oath to you?
Answer. Mr. R. A. Shotwell.
Question. What did you do with it in turn?
Answer. I memorized it and burnt it up.
Question. You memorized it and destroyed it?
Answer. Yes, sir.
Question. Did you ever administer it?
Answer. Yes, sir.
Question. When were you initiated?
Answer. In January, 1870.
Question. Are you still chief?
Answer. No, sir.
Question. How long since?
Answer. Since last June, after the raid.
Question. Were you ever on any raid?
Answer. No, sir.
Question. Did you ever have any communication with R. A. Shotwell about raids?
Answer. No, sir. I have never talked with him about any. I was told on Friday before the raid in town that he wanted me to send what men I could.
Question. What rank did Mr. Shotwell have?
Answer. He was county commander.
Question. How far from Rutherford are you?
Answer. Three miles.
Question. Which direction?
Answer. I live east.
Question. That is on the Shelby road?
Answer. Yes, sir.
Question. How far from Cox's shop?
Answer. A little over a mile.

Question. When did you hear of this raid?

Answer. It was on Friday before the raid. A man came to my house and said they were going to make a a raid, and Mr. Shotwell wanted me to send all the men I could.

Question. Was this man a member of the Invisible Empire?

Answer. Yes, sir.

Question. How do you tell that?

Answer. We have signs.

Question. What kind of signs?

Answer. Well, sir, if they wanted to find out if you were a member they would pass their right hand behind their right ear, and if you were a member you would pass your left hand in the same way over your left ear. Next they would run their right hand over the collar of their coat on the left side, and you would do the same on the opposite side. Then there was a pocket sign. To run their right hand in their right pocket, and place the heel of their left foot to the inside of their right, and you would have to give a similar sign with your hands and feet.

Question. Were these the only signs?

Answer. Then we had signs in shaking hands. To press the forefinger on the other person's hand, and he will recognize you by giving a squeeze of the middle finger.

Question. I understand you to say you were never on a raid?

Answer. No, sir; I never was.

Question. You were chief; what was the second one?

Answer. Grand Monk.

Question. What were your messengers called?

Answer. They were called Night-Hawks.

Question. When did you see Mr. Shotwell before the raid?

Answer. I hadn't seen him for two weeks before the raid.

Question. How often would you meet in your den?

Answer. Sometimes every two weeks and sometimes every month. It was left with the chief.

Question. Why did you go into this association?

Answer. I went in for politics.

Question. To assist any party?

Answer. Yes, sir.

Question. Which party?

Answer. The democratic party.

Question. To put down any party?

Answer. The radical party.

Question. Were you bound to obey all orders of the chief?

Answer. Yes, sir; all of them.

Question. Any punishment for disobedience?

Answer. No, sir.

Question. Did you know Mr. F. A. Shotwell?

Answer. I know the young man when I see him.

Question. Did you know if he was a member of the order?

Answer. No, sir; I did not know.

Question. Amos Owens; did you know him?

Answer. Yes, sir. He is a member of the order.

Question. Calvin Teel; did you know him?

Answer. Yes, sir. He was a member of the order.

Question. Mention some of the others.

Answer. William Tanner, William Teel, George Holland, and William McIntire. Spencer K. Moore told me since the raid that he was on it. D. B. Fortune; he was a member. I saw him in disguise.

Question. You said just now that Moore had told you since the raid that he was on it?

Answer. Yes, sir.

Question. Any of those other persons tell you?

Answer. Yes, sir; William Teel told me he was.

Question. Mr. Depriest, has Mr. R. A. Shotwell told you about his being on the raid?

Answer. No, sir.

Question. Has there been more than one in the county?

Answer. Well, I have heard of a great many; have known of one.

Question. What one was that?

Answer. The raid upon Rutherfordton.

Question. Did you see any of them on that raid?

Answer. Yes, sir.

Question. Did you know any of them?

Answer. Yes, sir.

Question. Who were they?

Answer. William Teel, Alexander McIntire, D. B. Fortune, George Dugget, Watt.

Trout, William Alexander, Logan Hampton, and Lox. Long. That's all I can recollect now, sir. Yes, Robert Harton is another.

Question. You say William Tanner told you he was there?

Answer. No, sir.

Question. S. K. Moore did?

Answer. Yes, sir.

Question. What time of night did they go?

Answer. They went by my house about 10 o'clock at night; saw no one to speak to but McIntire. They came back by my house about two hours before day from toward town.

Question. Did you hear any noise?

Answer. No, sir.

Question. What did they say?

Answer. They told me they had been to Justice's house; and Teel and Trout were of those who told me.

Question. What did they say?

Answer. They said they had brought Justice out.

By counsel for defense:

Question. Was Mr. Teel present?

Answer. Yes, sir; he was in my house. I do not recollect that he was the man who spoke. They said they brought Justice out, but had turned him loose and let him go away.

By counsel for United States:

Question. Did they say why they turned him loose?

Answer. They said that he made such fair promises that they let him loose.

Question. Did they tell you why they went for him?

Answer. They said their orders were to kill him.

Question. And they told you they did not?

Answer. Yes, sir.

Question. Did any of them belong to your Den?

Answer. Only one man—Doggart.

Question. Did you have any conversation with George Holland?

Answer. On the Friday before that he and Mr. Holland told me the raid was to be made; that they were going to town to get Justice, and to tear down the Star Office.

Question. Did they say they were going to kill Justice?

Answer. Yes; that was my understanding.

Cross-examined by counsel for defense:

Question. I understand you to say this oath was administered to you by R. A. Shotwell?

Answer. Yes, sir.

Question. You said that you memorized it and then burnt it?

Answer. Yes, sir.

Question. Do you know it now?

Answer. Yes, sir.

Question. Repeat it, if you please.

[Witness repeats oath before given verbatim.]

Question. You say Mr. Shotwell gave you this?

Answer. Yes, sir.

Question. When was that?

Answer. The last of March or first of April.

Question. Who initiated you?

Answer. Alexander McIntire.

Question. When was that?

Answer. In 1871.

Question. Were you initiated then?

Answer. I have been initiated twelve months.

Question. When were you first initiated into the order?

Answer. In February, 1870.

Question. And you say you were chief of Den No. 3?

Answer. Yes, sir.

Question. You resigned last June?

Answer. Yes, sir.

Question. Did I understand you to say you were never on a raid?

Answer. No, sir; I was never on one.

Question. Mr. R. A. Shotwell never instructed you to go on any raid?

Answer. No, sir.

Question. Did I understand you to say that you never knew him to be on a raid?

Answer. No, sir.
Question. You say a day after the raid you were told by a party that Shotwell went home. Did you know he was on it?
Answer. No, sir.
Question. Who were these men?
Answer. Harrill and Holland.
Question. What Holland?
Answer. George Holland.
Question. He told you that Shotwell wanted you to bring a good force?
Answer. Yes, sir.
Question. What did he want you to do?
Answer. To send all the men I could into the raid.
Question. Did they say what raid they wanted to make?
Answer. They said they were going to Justice's house; they were going to kill him and Biggerstaff.
Question. What signs did you have for recognition?
Answer. Well, sir, they had signs with the hands, this way. [And here the witness gave the signs as before.]
Question. They were mere signs of recognition, were they?
Answer. Yes, sir.
Question. What were the chief officers of the Klan?
Answer. Chief of the county, county commander, and chief of the Den.
Question. You said something about a Grand Monk?
Answer. That was the under chief.
Question. You said there was a county commander?
[Answer lost.]
Question. And after the chief of each Den, what was next?
Answer. Grand Monk, Grand Turk, and Night-Hawk.
Question. You say you saw Shotwell two weeks before the raid?
Answer. Something like two weeks.
Question. I understand you to say that the organization was to assist the democratic party. You went in for that purpose?
Answer. Yes, sir.
Question. Now, sir, can you stand here and say this was the purpose of the organization?
Answer. I heard that was the purpose. I heard it from H. D. Carbinns and R. A Shotwell.
Question. I understand you to say that Amos Owens was a member of this order.
Answer. Yes, sir.
Question. How did you know that?
Answer. When I was in conversation with him.
Question. Did Amos Owens tell you he was on the raid?
Answer. Yes, sir; I seed him and heard him speak of it since.
Question. Didn't Shotwell tell you that they were raiding too much, and it must be stopped?
Answer. Yes, sir; he told me that.
Question. Well, did he tell you it when he gave you the oath?
Answer. Yes, sir; he said they were raiding too much, and wanted me to help him stop it. That it was outside of the order to whip and raid so much down there.
Question. He told you at the time he administered the oath?
Answer. Yes, sir.
Judge BROOKS. I understand the witness to say that they were raiding too much in a certain part of the county?
Answer. Yes, sir.

By Judge BROOKS:

Question. That raiding and whipping must be stopped, because it was outside of the order?
Answer. Yes, sir.
Question. Did he not go on to tell it was to advance the democratic party in a lawful way?
Answer. Yes, sir; he said it was to advance the conservative party; to get all they could by swearing men in.

By counsel for Government:

Question. How long a conversation did you have with Shotwell at the time he gave you the oath?
Answer. About an hour.
Question. He gave you the oath in writing?
Answer. Yes, sir.

Question. Did that make you a chief?
Answer. Yes, sir; he appointed me chief on that occasion.

By counsel for defense:

Question. Mr. Depriest, were you the chief of the Den?
Answer. Yes, sir.
Question. Did you ever initiate any one?
Answer. Yes, sir.
Question. Did you tell them what Shotwell told you?
Answer. Yes, sir; I told them that it was not the intention of the order to raid and whip.
Question. Did you initiate George Harrell?
Answer. No, sir.
Question. Did he belong to your Den?
Answer. No, sir.
Question. Do you see any of those men who belonged to your Den?
Answer. No, sir; I don't know that there is any member here. Doggart was a member, but he was not in it.
Question. Was F. A. Shotwell in it?
Answer. No, sir.
Question. Adolphus Depriest?
Answer. No, sir.
Question. Amos Owens?
Answer. No, sir.
Question. Calvin Teel?
Answer. Yes, sir.
Question. Did you give him those instructions?
Answer. Yes; I suppose I did.
Question. Was William Tanner?
Answer. Yes, sir.
Question. Did you give him those instructions?
Answer. I swore him in, and never saw him any more. I reckon I gave them to him at the time I swore him in.
Question. Who were they?
Answer. William Teel, William McIntire, and Davids.
Question. Did they go raiding at all?
Answer. No, sir.
Question. Did any of them secede?
Answer. Yes, sir.
Question. Why did they?
Answer. It was told me because I would not allow them to raid.
Question. Under what name did they form?
Answer. Burnt Chimney.
Question. You took the oath to obey all commands?
Answer. Yes, sir.
Question. Who was your superior?
Answer. Mr. R. A. Shotwell.
Question. They were all bound to obey Captain Shotwell?
Answer. Yes, sir.
Question. Did they raid? If so, where? What raids?
Answer. There had been some raids on Red River.
Question. Who were they on?
Answer. One of them on Maize (a colored man) and his family.
Question. What did they do with him and his family?
Answer. They whipped his daughter.
Question. This raid was in the southern part of the county?
Answer. Yes, sir.
Question. Were there any others in the counties?
Answer. Yes, sir; there several down there.

By counsel for United States:

Question. How many men were there in your organization?
Answer. Between four and five hundred.
Question. How many Dens?
Answer. Some eight or ten.
Question. How many in each Den?
Answer. Some forty or fifty.
Question. I understood you to tell Mr. Strong (counsel for defense) just now that this organization was to advance the democratic party only through lawful means. Now, by what means did you advance that party?

Answer. I said by lawful means.
Question. You were bound to obey all orders, either lawful or unlawful, were you not?
Answer. Yes, sir.
Question. You were to obey all instructions?
Answer. Yes; from the chief.
Question. Whether lawful or unlawful?
Answer. Yes, sir.
Question. Did the organization extend beyond Rutherford County?
Answer. I have not been out of the county to ascertain the fact.
Question. Where did Collins live?
Answer. At Shelby.

By counsel for defense:

Question. What was your purpose, did you say?
Answer. Well, sir, to get men in by intimidation or otherwise, and swear them, and get their vote in that way.
Question. Did you swear that these raids were made by men low down and reckless?
Answer. Yes, sir; reckless men.
Question. But low-down men?
Answer. I don't know about that, sir.
Question. Were they irresponsible men?
Answer. I don't know as I can say so. They were mostly by young men who wanted fun.
Question. Ever upon their own hook?
Answer. Well, sir, I think it was often done upon their own hook.
Question. Did I understand you to say there were four or five hundred of the brothers?
Answer. Well, I can't say there are so many. I knew of over a hundred.

By counsel for United States:

Question. Can you tell why it was done on the young men's own hook?
Answer. They wanted some fun, and would get a party and go raiding. I said it was done by the young chiefs and young men.
Question. Were the chiefs young men?
Answer. Yes, sir.
Question. Were there not some from good, respectable families?
Answer. Yes, sir; generally, very respectable.
Question. Are you a member of the church?
Answer. No, sir.
Question. You are opposed to raiding?
Answer. Yes, sir.
Question. You find trouble in getting about, do you not? [Witness was a one-legged man.]
Answer. Yes, sir.
Question. Mr. Shotwell came to you and told you he wanted some more raiding done?
Answer. I don't know that he came to me. I went to town to see him about forming a Den.
Question. What passed about raiding?
Answer. We talked about some raids made in the southern part of the county where a young man was shot.
Question. Was he killed?
Answer. No, sir.
Question. Was he a raider?
Answer. Yes, sir.
Question. Who was that?
Answer. I don't recollect.
Question. Was he a North Carolinian?
Answer. Yes, sir.
Question. What else?
Answer. We then talked about it, when he told me he wanted me to help stop the raiding.

TESTIMONY OF M. M. JOLLY.

By counsel for United States:

Question. Are you a North Carolinian?
Answer. Yes, sir; of Rutherford County.
Question. Did you belong to the Invisible Empire?
Answer. Yes, sir.
Question. Was Webster your chief?
Answer. Yes, sir.

Question. Who was the Grand Monk?
Answer. A. S. Simmons.
Question. Who was the Grand Turk?
Answer. J. P. Goode.
Question. Who were the Night-Hawks?
Answer. Myself and Ed. Cooley.
Question. When did you join?
Answer. Last January, 1871.
Question. Have you ever been on a raid?
Answer. Yes, sir.
Question. Where?
Answer. I have been on several. I was on one against a man by the name of Nolan—near the border of North Carolina—one on Lizzie Sparks, one on Ben. Phillips, and another one on Gillaspi and Bradley.
Question. Can you name any other?
Answer. Yes, sir; the raid on Rutherford.
Question. Were you on that raid?
Answer. Yes, sir.
Question. How many were going out?
Answer. There would be different numbers?
Question. About what number?
Answer. From eight to fifteen.
Question. How many were at Rutherford?
Answer. About seventy-five altogether, and seven or eight from our Den.
Question. How were you apprised of the fact that there was to be a raid on Rutherford?
Answer. I was going from town and heard of it. But I heard of it before that.
Question. How long before that?
Answer. Monday or Tuesday.
Question. How long before Mr. Justice made his speech against the Ku-Klux?
Answer. It was some time.
Question. Who spoke of this raid?
Answer. Mr. Webster, J. D. Goode, George Holland, Richard Haynes, and ——— Haines were together, and Mr. Webster said there must be a raid made.
Question. Did you hear Mr. Shotwell say anything about it?
Answer. Yes, sir; they didn't tell me to do anything.
Question. That was on Tuesday, Mr. Jolly, late in the day?
Answer. Yes, sir.
Question. But they told you they were going to raid?
Answer. Yes, sir; they said they were going to make a raid on Mr. Justice.
Question. When did you hear of it again?
Answer. It was on Thursday.
Question. What did you hear then?
Answer. Mr. Goode told me to get ready and go on the raid; it was to be Sunday night.
Question. What was Goode?
Answer. He was Grand Turk.
Question. What did you do in connection with that?
Answer. He wanted me to go and summons some men.
Question. Did you go?
Answer. No, sir; I went around to Holland's, on Saturday, but couldn't talk with him, and afterward went on to the tax-payer's convention.
Question. Did you go on the raid?
Answer. Yes, sir.
Question. Did you hear anything about it at the gathering at the tax-payer's convention?
Answer. Yes, sir.
Question. Who did you hear talk about it?
Answer. Mr. W. C. S. Wood.
Question. Who else?
Answer. Mr. Webster.
Question. Who else?
Answer. I don't recollect.
Question. At whose house?
Answer. Mr. Toms's.
Question. Did he know anything about it?
Answer. No, sir.
Question. You went home then?
Answer. Yes, sir.
Question. Where were you Saturday night?

Answer. At home.
Question. Go on, sir, and tell all about the raid.
Answer. Well, sir, I met a party from our Den, about a mile and a half from home, a little before sunset. J. D. Goode, G. F. Goode, Tom Haines, Hobins Jenkins——
Question. Where is Mr. Jenkins?
Answer. I can't tell you.
Question. Is he not at home?
Answer. No, sir.
Question. How long since he has been home?
Answer. I cannot tell.
Question. Where is Thomas Haines?
Answer. I think he has left, sir.
Question. When did he leave?
Answer. Not long after the raid.
Question. Where is Goode?
Answer. Gone off. I met Clayton Camp, also.
Question. Go on, sir.
Answer. We went on and met some others.
Question. How far did you live from Rutherford?
[Answer lost.]
Question. You met some others?
Answer. Yes, sir; Alfred Haines, Thomas Tate, Charlie Tate——
Question. Where are they?
Answer. Thomas Tate is here; the others I don't know where.
Question. Any other name?
Answer. Thomas Davis, Matthew Burke——
Question. Where does Burke live?
Answer. In South Carolina. Also met Mr. Webster and Ed. Cooley.
Question. Where are Cooley and Webster?
Answer. Gone.
Question. Did they go a short time after the raid?
Answer. Webster did.
Question. Were there any others?
Answer. That's all I can recollect now.
Question. Were they all in disguise?
Answer. Some of them were.
Question. Were you?
Answer. No, sir. We went on, and got there first. They belonged to Horse Creek Den. That was in South Carolina.
Question. How long did you stay there?
Answer. Some fifteen minutes.
Question. How many were there along?
Answer. Some thirty.
Question. How far did you go then?
Answer. About two miles from town.
Question. Where did you go then?
Answer. To Cox's shop.
Question. What did you do then?
Answer. We staid and got with another crowd.
Question. Did you know them?
Answer. No, sir.
Question. Were they disguised?
Answer. Yes, sir.
Question. Did you know any of them?
Answer. One of them.
Question. Who was he?
Answer. Randolph Shotwell.
Question. How many were they altogether?
Answer. About seventy-five.
Question. Did you hear Shotwell say anything?
Answer. He said Mr. Justice must be hung, and asked the crowd who would pull the rope. Some of them said they would shoot him.
Question. How long did you remain there?
Answer. About an hour or two.
Question. Were they at Cox's shop when you got there?
Answer. No, sir.
Question. How long did you remain there?
Answer. An hour or two.
Question. Mr. Shotwell with you when you got to the Den?
Answer. Yes, sir.

Question. Did you need any guides?
Answer. We knew the way ourselves.
Question. I understood you to say you knew Mr. Shotwell?
Answer. Yes, sir.
Question. Did you go in town with them?
Answer. No, sir.
Question. Where did you go, then, if you didn't go into town?
Answer. I remained outside.
Question. Did you hear anything while they were gone?
Answer. I heard the firing and banging of guns.
Question. How long were they gone?
Answer. About an hour or two.
Question. Did they have an ax along?
Answer. Yes, sir; they bought an ax at Scott's. Scott's was the other side of town.
Question. What did Shotwell have to do with it?
Answer. Nothing.
Question. How long were they gone into town?
Answer. I think an hour, or an hour and a half.
Question. Did they bring anybody with them?
Answer. Mr. Justice.
Question. How far were you from town?
Answer. Three or four hundred yards.
Question. Why did they take off Mr. Justice?
Answer. For being a radical; he didn't stay close to me but a few moments.
Question. Was he wounded?
Answer. Not that I could tell.
Question. Was it raining?
Answer. Yes, sir.
Question. Did he have on anything?
Answer. He had on his under-clothes.
Question. Why did you raid on Mr. Justice?
Answer. Because he was a radical.
Question. Did not your chief tell you the reason?
Answer. No, sir.
Question. State why you went.
Answer. I was ordered to go.
Question. Was there any reason?
Answer. I didn't hear of any.
Question. Was there any stated to the crowd?
Answer. At that night? No, sir.
Question. At any time?
Answer. That day I was in town and heard Webster talk about it; he had made a speech about the Ku-Klux.
Question. Where did you meet?
Answer. I don't know exactly; in the woods.
Question. How often would you meet?
Answer. About once every two weeks.
Question. Would they be fully attended?
Answer. Sometimes they were.
Question. You were always ready to go on raids?
Answer. Yes, sir.
Question. Did Mr. Webster go?
Answer. Yes, sir.
Question. How many went of Bald Rock Den?
Answer. About thirty.
Question. Can you tell anything that took place when they got back from town with Justice, when they reproached him for being a radical?
Answer. No, sir.
Question. You say you only staid there a few moments. Where did you go?
Answer. I went to my horse.
Question. How many did go along to bring Justice?
Answer. About eight or ten.
Question. Did they hang him up?
Answer. Not as I know of.
Question. They didn't kill him?
Answer. No, sir; I don't know why.
Question. Mention the names of those persons you know of as having been on the raid.
Answer. Alfred Haines, Robert Scrubbs, Tom Davis, Matthew Burke, Tom Tate, Charlie

Tate, Judge Edwards, Hobens Jenkins, Ed Cooley, Tom Haines, William Halt, William Webster, J. D. Goode, Clayton Camp, and G. S. Goode.

Question. Was Holland one?
Answer. No, sir.
Question. Did he go at all?
Answer. Never went to town.
Question. Where did you see him?
Answer. Once at my father's.
Question. What reason did he give for not going?
Answer. He had a boil on his leg.
Question. He told you that was the reason he didn't go?
Answer. Yes, sir.
Question. When did he leave the crowd?
Answer. He left the crowd before I got back; I went home awhile.
Question. You say you went home; well, what did he do with his horse?
Answer. He gave it to Halt, who asked to go; his mule went along too.

Cross-examined by Mr. STRONG, of counsel for defendents:

Question. You say this was a very dark night?
Answer. Yes, sir.
Question. Raining?
Answer. Part of the time.
Question. Where did you first see R. A. Shotwell?
Answer. At Cox's shop.
Question. Did you know him?
Answer. Yes, sir.
Question. How long did you know him?
Answer. About twelve months.
Question. How long did you know him at that time?
Answer. About nine months.
Question. How far did you live from him?
Answer. About three miles.
Question. Have you seen him often?
Answer. Yes, sir; I saw him that night at Cox's shop, by a light.
Question. Did you see Captain R. A. Shotwell there that night?
Answer. Yes, sir; I saw a match struck near him.
Question. Was he disguised?
Answer. No, sir.
Question. Didn't see T. A. Shotwell at all?
Answer. No, sir.

TESTIMONY OF ALFRED HARRIS.

Interrogatories by counsel for United States, (Phillips:)

Question. Mr. Harris, listen to me. [Reads Invisible Empire oath.] What is that Mr. Harris?
Answer. It was the oath we took to join this party.
Question. How did they swear you?
Answer. They tied a handkerchief over my eyes, and walked around, and presented a pistol and knives to me afterward.
Question. Who administered the oath to you?
Answer. Leo Macaffee.
Question. You say when the bandage was taken off they had pistols and knives presented to you; what did they say?
Answer. They did not say much; they had signs. [Here witness explains signs as before given.]
Question. What Den did you belong to?
Answer. To Horse Creek, in Spartanburgh, South Carolina.
Question. How many were in that Den?
Answer. I am unable to tell you how many.
(Question and answer lost.)
Question. How long have you been a member?
Answer. Since last May; a year ago.
Question. How many raids have you been on?
Answer. Three; all in North Carolina.
Question. How far from the line are you?
Answer. About a mile.
Question. What other raid were you on?
Answer. On Reub and Wash McKinney.
Question. Why did you raid them?

Answer. Well, sir, they had arms.
Question. Is that all?
Answer. Yes, sir.
Question. Did you do anything else?
Answer. I did not, sir; but another party went and whipped them. They said they had orders.
Question. Who gave you orders to take their arms away?
Answer. The committee.
Question. These charges were submitted to the committee generally?
Answer. Yes, sir.
Question. What were the different officers of the Klan?
Answer. There was chief, Grand Monk, Grand Turk, and Night-Hawks.
Question. What did the Night-Hawks do?
Answer. They rode over the country, and went around to call men together.
Question. Who gave you information?
Answer. William Webster.
Question. What was he?
Answer. He was chief.
Question. What did he tell you?
Answer. He said he had orders from Mr. Shotwell to get all the men he could to go and make the raid.
Question. What were you to do?
Answer. We were to kill Mr. Justice, tear down the Star office, and to kill Mr. Biggerstaff.
Question. Any more killing?
Answer. I think Downey was talked of.
Question. Where was Biggerstaff?
Answer. In town, I suppose.
Question. Do you know where he was?
Answer. No, sir; some one said he was in the old hotel.
Question. What was the reason of your attacking him?
Answer. Mr. Shotwell said he was to be hung.
Question. Is that all?
Answer. That's all. I believe he was a republican, and had said a few days before that the Ku-Klux leaders should be hung.
Question. What time were you told that?
Answer. Friday night.
Question. Did Webster tell you himself?
Answer. Yes, sir.
Question. When did you next hear anything about it?
Answer. We got orders to meet on Saturday to see who could go. We met in the fields or in the woods.
Question. Had you your disguise on?
Answer. No, sir. We wore them only on raids. Sometimes they would have them in their pockets.
Question. What kind of disguises were they?
Answer. They were red and white, with horns.
Question. How did they fit?
Answer. They drew them over their face.
Question. What kept the horns up?
Answer. They were stuffed with cotton.
Question. You say you heard nothing more about it from Friday till the Saturday night. Who were there?
Answer. William Scrubbs, Thomas Vassett, Judge Edwards, King Edwards, Swan Parris, Jonas Vassett, Aaron Ezell, Lemuel Scrubbs, Denis Scrubbs, Jerry Gidney, Thomas Tate, and I believe that's all.
Question. Are those the names of the men that were there Saturday?
Answer. Yes, sir.
Question. What was said there?
Answer. Mr. Edwards was acting as foreman and made a motion that all could go who wanted to.
Question. How many of them kept out?
Answer. Seven or eight.
Question. You were one of them?
Answer. Yes, sir.
Question. Was that the way that a man could go on a raid, if he wanted to?
Answer. That was the way that time.
Question. How did they do other times?
Answer. A committee would give out who should go.
Question. Were they bound to go?

Answer. Yes, sir.
Question. Lawful or unlawful, they had to go?
Answer. Yes, sir.
Question. You were going to kill Mr. Justice and break up the Star office, were you?
Answer. Yes, sir. That was my understanding.
Question. Who went with you?
Answer. Ashbury Peck. That was all. We went over to Mrs. Hick's old mill place of North Carolina.
Question. Who was there?
Answer. Robert Scrubbs, Jonas Vassett, Judge Edwards, King Edwards, Swan Paris, and William Webster. I think that was all.
Question. Was William Scrubbs there?
Answer. They said he was there, but I didn't see him.
Question. How long did you stay there?
Answer. Not more than a minute after I got there. We came from across Island Ford, Broad River. No one joined us till we came over this side of it. It was Bald Rock Den. John Goode and Scott Goode joined us there, and Mr. Jolly and some man I didn't know.
Question. How long did you stay there?
Answer. We went on and stopped at Cox's shop, and met several from Cherry Mountain. R. A. Shotwell was there. He was Grand Chief of the county.
Question. Did you go into town?
Answer. Yes, sir; but we didn't take our horses into town. He led us up the gate, and told us how to go to the steps where Mr. Justice lived. Peter Camp, Robert Scrubbs, and Clayton Camp went in, but came back and told Mr. Shotwell they could not find the place, and he went and showed them. It was raining very hard, and I remained at the gate.
Question. Did you hear any noise?
Answer. Yes, sir; I heard them knocking down the door
Question. How did they bring him out?
Answer. They just jerked him out.
Question. What did he have on?
Answer. Only his shirt.
Question. Did they say anything to him?
Answer. I heard them cursing him and telling him to hush and not make so much noise.
Question. Did he beg?
Answer. Yes, sir.
Question. What did he say?
Answer. He begged for his life, and asked them not to kill him. I heard them say, "God damn you, we are going to kill you," and took him over to the horses.
Question. Did you all fire your guns?
Answer. Part of them did. I had no gun. I had no weapon at all. I remained in town some time after they went on with Justice.
Question. How long did they go on before you?
Answer. I suppose half an hour.
Question. When you came to them what were they saying?
Answer. Some wanted to kill him and some did not.
Question. Why did they want to kill him?
Answer. I don't know, sir. I went away as soon as I could get on my nag.
Question. Can't you tell why they did want to kill him?
Answer. For being a republican, I suppose.
Question. Did you see Mr. Russell, of South Carolina, there?
Answer. I don't know him; but they told me he was there. He was begging them to spare Justice's life.
Question. Do you know who they were?
Answer. No, sir.
Question. Did you hear them say anything about taking a pistol from Mr. Justice?
Answer. I heard Phillips ask him for it.
Question. Where is he?
Answer. I don't know where. I haven't seen him since two days after the raid, but I understand he has left. The first place I met Mr. Shotwell was at Cox's shop. We went to Dalton's house and there got an ax. I called, and Shotwell answered and said he was the man, and not to talk so loud. We went on into town. We tried to get him to go with us, but he was unable to go.

Counsel for defense cross-examined:

Question. Did you see Shotwell yourself?
Answer. Only by the light of a match.
Question. You saw him, then, by that match?
Answer. Yes, sir.

TESTIMONY OF THOMAS TATE.

Interrogatories by counsel for the United States:

COUNSEL. Mr. Tate, listen to this:

"I, before the great immaculate God of heaven and earth, do take and subscribe to the following sacred binding oath and obligation: I promise and swear that I will uphold and defend the Constitution of the United States as it was handed down by our forefathers, in its original purity. I promise and swear that I will reject and oppose the principles of the radical party in all its forms, and forever maintain and contend that intelligent white men shall govern this country. I promise and pledge myself to assist, according to my pecuniary circumstances, all brothers in distress. Females, widows, and their households shall ever be specially in my care and protection. I promise and swear that I will obey all instructions given me by my chief; and should I ever divulge, or cause to be divulged, any secret, signs, or passwords of the Invisible Empire, I must meet with the fearful and the just penalty of the traitor, which is death, death, death, at the hands of the brethren."

Did you ever hear that before?

Answer. Yes, sir.

Question. Where did you hear this?

Answer. At our meetings.

Question. The Invisible Empire?

Answer. Yes, sir; at Horse Creek Den.

Question. Are you a South Carolinian?

Answer. Yes, sir.

Question. How far from the North Carolina line do you live?

Answer. Not far. I don't know the distance. I suppose it is about——

Question. How long did you belong to it?

Answer. I joined about the first of January.

Question. Who initiated you?

Answer. Robert Scrubbs.

Question. Where do you meet?

Answer. At different places.

Question. In old houses?

Answer. No, sir; part of the time at an old field; sometimes in the woods.

Question. Did you meet there in the day?

Answer. Sometimes in the day and sometimes in the night, but always in the woods in the day-time.

Question. Did you carry your disguises with you?

Answer. Some would and some wouldn't. Some of the boys carried them in their pockets.

Question. How did you come to have disguises, any way?

Answer. It was ordered by the chief to have them.

Question. What kind did you have?

Answer. Some of them were of flannel and of other kinds. They were of different colors.

Question. Were they red, white, and yellow?

Answer. They were red, and white, and calico, all of different kinds; but I never saw any yellow ones.

Question. Have horns on them?

Answer. Yes, sir.

Question. Have gowns?

Answer. No, sir.

Question. Who was chief?

Answer. Scrubbs.

Question. Did you ever go on any raid?

Answer. Yes, sir; three of them.

Question. Where?

Answer. The first on some colored man, Robert McKinney, and Widow Bridges.

Question. What did you understand it was for?

Answer. That was the orders. I was not at the meeting and didn't know why. I didn't help to whip them.

Question. Suppose you had told who whipped McKinney?

Answer. I never saw him whipped.

Question. Well, suppose you had told who had been on the raid?

Answer. They would have killed me.

Question. What was the purpose of the society?

Answer. It was to keep down the colored un's from mixing with the whites.

Question. How?

Answer. To keep them from marrying, &c., and to keep them from voting.

Question. When did you hear of this raid on Rutherfordton?

Answer. On the Saturday before it was made.
Question. Who told you of it?
Answer. William Scrubbs. I was cutting wheat for him, and he came back where I was, and told me to come to the meeting.
Question. Did he tell you to go?
Answer. No, sir; the chief came and told me. Jonas Vassey told me on Sunday.
Question. How far do you live from Rutherfordton?
Answer. Twenty-three miles, sir.
Question. What time did you start?
Answer. They met at Mrs. Hick's, ("Old Miller's Place,") two hours before sun.
Question. Who were there?
Answer. Robert Scrubbs, Alfred Harris, William Scriggs, Thomas Davis, Matthew Burke, Charlie Tate—a brother of mine—Judge Edwards, King Edwards, Ares Ell, Bruce Martin, as they called him, and William Webster.
Question. Did Scrubbs go to town?
Answer. No, sir; he said he was not well enough.
Question. Was he on a horse?
Answer. Yes, sir; but he carried it back home with him.
Question. What did he do with the saddle?
Answer. He loaned it to me to ride on the raid.
Question. Did he have a gun?
Answer. Yes, sir.
Question. Who had that?
Answer. Jonas Vassey had his gun.
Question. David Collins was not there?
Answer. No, sir.
Question. Did he loan his horse?
Answer. I don't know, sir; but his mule was along.
Question. Who had it?
Answer. Judge Edwards.
Question. Did Mr. Collins belong to the order?
Answer. Yes, sir.
Question. What one?
Answer. To the Invisible Empire.
Question. To the Horse Creek Den?
Answer. Yes, sir.
Question. When did you start from your Den?
Answer. We left there on Saturday evening.
Question. Where did you meet some of the Bald Rock Den?
Answer. About seven miles from the Den—near the Sulphur Springs.
Question. Did you have on your disguises?
Answer. Yes, sir. I did not know any of them in that crowd but John Goode, who belonged to the Bald Rock Den.
Question. Where did you go then?
Answer. To Cox's shop. There were two men that came into the crowd. I was behind the crowd. They both came back to where I was, and I saw them speak to Shotwell, the chief of Rutherford.
Question. How long did you stay at the shop?
Answer. No longer than about a half an hour.
Question. You say two men came up and spoke to Shotwell. What did they say?
Answer. They said they were going to kill Mr. Justice and Mr. Downey, and tear down the Star office.
Question. What kind of looking man was he?
Answer. I don't know; wouldn't know him if I would see him.
Question. Where did you go next?
Answer. Well, they went on from Cox's shop and stopped a mile this side of the town, and told me they wanted to get an ax.
Question. And was Shotwell's name called there?
Answer. No, sir; they went on to town. In sight of town they dismounted. I was still in the rear of the crowd. Some of them didn't dismount. Some of them had gone into town, and I went into town behind them. We were dismounted then. The crowd had stopped at the gate, and I saw this man Shotwell point at the door—he was at the gate—and tell them there was the door. I was standing behind them, and I walked behind a tree. I staid there until after they had brought him out. I then started to go out of town by the court-house, when Webster came up and told me to stop and go back and help tear down the Star office. I went on then to where the horses were and saw Mr. Justice standing in the road.
Question. What did they go to the Star office for?
Answer. I don't know, sir. I walked by within five feet, and I heard Mr. Justice talking to them, and heard him say, "Please excuse me," for he was about to faint. I

heard a voice say to sit down and rest and pray, for his time was soon to come. I stood by the horses some five minutes, and heard some of them ride off, and coming up close to Mr. Justice I saw a man standing between them begging for him, and I went off.

Question. Why did you go on that raid against that widow's son?

Answer. I didn't know, sir.

Question. Did he live with his mother? I thought that widows were your particular care.

[No answer; witness remaining silent, with head down.]

Question. Did you raid in South Carolina any?

Answer. No, sir.

Question. How far were the McKinneys from you when you raided them?

Answer. Two and a half miles.

TESTIMONY OF T. J. DOWNEY.

Interrogatories by counsel for United States, (Phillips:)

Question. What is your name?

Answer. F. J. Downey is my name, sir.

Question. Listen to me, Mr. Downey, and tell me if you ever heard this before. [Reads oath of Invisible Empire.]

Answer. Yes, sir.

Question. What is it?

Answer. It is the oath of the Invisible Empire.

Question. Did you belong to it?

Answer. Yes, sir.

Question. When were you initiated?

Answer. In last February or March.

Question. Who initiated you?

Answer. Mr. Jesse Depriest.

Question. Is he the gentleman who has lost a leg?

Answer. Yes, sir.

Question. Where do you live?

Answer. About three miles east of Rutherfordton.

Question. Were you on any raids?

Answer. No, sir.

Question. Did you know anything about the raid on Rutherfordton?

Answer. No, sir. It had been talked of two or three months before it was made.

Question. Who talked of it?

Answer. Mr. Depriest.

Question. What did he say?

Answer. He said that Shotwell had ordered a raid on Rutherfordton, and it was to be made.

Question. Who was the Grand Chief of the county?

Answer. R. A. Shotwell.

Question. Any one else talk about it?

Answer. McBrier did, sir.

Question. How long before the raid was that?

Answer. It was some time before the raid.

Question. Did he say who it was to be against?

Answer. They said they were going to raid on J. H. Carpenter, Judge Logan, and Mr. Justice.

Question. Did he say what they were going to do with them?

Answer. They were going to kill them. They said they were going to kill Justice and Judge Logan, and skin Carpenter alive.

Question. For what?

Answer. They were each radicals. They could not live with them; and that they were going to rule the country.

Question. Do you know whether that was before Mr. Justice came home from the legislature or afterward?

Answer. I don't know, sir.

Question. Where were you?

Answer. At Depriest's.

Question. Was McBrier there?

Answer. No, sir; Depriest told me that McBrier told him, and after that McBrier told me himself.

Question. Was he one of the members?

Answer. He was chief of the Burnt Chimney.

Question. What Den did you belong to?

Answer. Depriest's.

Question. Were you on the raid to Rutherfordton?
Answer. No, sir.
Question. Did you see any of them?
Answer. Yes, sir; five came to my house and called me out. It was between 2 and 3 o'clock in the morning, and my wife woke me up. I heard them blow a whistle, and knew it was the Ku-Klux. I opened the door, and they were all on horses. I asked them in. They said they had a little business with me, and to come out. I said, "Come in, gentlemen," when one of them fired at my feet and said, "Come out, you damned rascal; we have hung your friend Justice, and we have come to put you through." They told me that Justice had told them that I had betrayed them. I told them that the report had got out on me, but I had satisfied the parties, and was not the man who betrayed them. They told me then I was a damn liar. They said they thought three hundred would do me. Another then said, "No, I think two hundred will do him," and another said, "No, one hundred would do," and another said he thought they had better not whip me at all. Then one said, "God damn him, I will give him some anyhow." He broke off an old field pine top, and commenced beating me with it. And then two others came up, one with a stick and one with a board. They told me then to go back in the house. I went back in, and after I got in they called me to the door again. One fellow then said, "God damn him, shoot him." Another said, "No, don't shoot." They told me never to swear against any of my neighbors.
Question. Did they bring blood from you?
Answer. Yes, sir; on my hip.
Question. What did you have on?
Answer. My shirt and drawers.
Question. How long were they there?
Answer. A half hour or longer.
Question. Did you ever find out who they were?
Answer. Yes, sir.
Question. How?
Answer. They told me afterwards. There was William Alexander, William Teel, Lox Long, Spencer Moore, and Log. Hampton, and they told me there were sixteen there, but I didn't see them. Joseph Fortune told me he went to my house.
Question. Were you a Ku-Klux at that time?
Answer. Yes, sir. I was a member of that party.
Question. Did you attend every meeting?
Answer. Yes, sir; regularly.
Question. They charged you with betraying them to Justice?
Answer. Yes, sir.
Question. They said they had hung him?
Answer. Yes, sir; and they had come to put me through. They were going to shoot me. They concluded to whip me, however.
Question. Auctioned it down, did they, from three hundred to two hundred, and then to one hundred?
Answer. Yes, sir.
Question. Well, did you ever hear any one say they were on the raid to Rutherfordton, except these men?
Answer. Yes, sir; I have heard Gather Trout, Doc. Fortune, Walter Trout, Joe Fortune, George Doggart, and Julius Fortune.
Question. Who else?
Answer. I do not remember any one else at this time, but there were more.
Question. Did you know Adolphus Depriest?
Answer. Yes, sir. Did not know of his being along.
Question. Was he a member of the order?
Answer. I understood so, but didn't know.
Question. What was the order for?
Answer. To put down the radicals.
Question. How?
Answer. By whipping and killing them out, and scaring them so that they wouldn't go to the elections. I was ordered to have my uniform there weeks before the election, to ride around and go scaring and whipping the radicals. Jesse Depriest gave the orders.
Question. Which election was that?
Answer. The last election, sir.
Question. You say that Mr. Jesse Depriest gave you that order to uniform yourselves?
Answer. Yes, sir.
Question. Did you ever go disguised?
Answer. I never wore it, sir.
Question. How was it made?
Answer. Like the others.
Question. Where is it?

Answer. Mr. Bosher has it.
Question. Would you know it if you would see it?
Answer. Yes, sir.
[Gown and cap shown to witness.]
Mr. PHILLIPS. Put it on.
[Witness puts on Ku-Klux uniform.]
Question. That was the uniform you would go to raid in?
Answer. Yes, sir.
Question. Did you know R. A. Shotwell?
Answer. Yes, sir.
Question. Did you know him as a member of the order?
Answer. Yes, sir. Depriest told me.
Question. What was he?
Answer. Grand Chief of the county.

Cross-examined by Mr. STRONG, for defendants:

Question. Mr. Downey, when did you join this order?
Answer. In February or March; I don't know which.
Question. In 1871?
Answer. Yes, sir.
Question. What were your politics when you went in?
Answer. I was a republican.
Question. What did you go in for?
Answer. To find out what it was.
Question. You took that oath?
Answer. Yes, sir; but only to find out what was going on.
Question. For what purpose?
Answer. To betray them.
Question. How did you happen to do that?
Answer. After the first raid a man was killed. I thought it best to stop it.
Question. Who put you up to it?
Answer. No one put me up to it. I talked with a man named Captain Eves, who had been in the Army three years with me, and he told me to go into it, if I could with safety.
Question. Was he your captain during the war?
Answer. Yes, sir.
Question. Was he a republican?
Answer. I don't know if he was then, but he is now.
Question. Was he your neighbor?
Answer. Yes, sir.
Question. Do you know if he was elected as a republican to the Senate?
Answer. I knew that he was elected.
Question. Did you vote for him?
Answer. I don't recollect.
Question. Now, can you tell this jury that he was in your district, and that he was elected, and that you didn't know what he was?
Answer. No, sir.
Question. Is Captain Eves a son-in-law of Judge Logan?
Answer. Yes, sir.
Question. Did you have any conversation with Judge Logan before you went into this order?
Answer. No, sir.
Question. Since you went in?
Answer. No, sir.
Question. Didn't you confess anything to him?
Answer. No, sir; not until after I had told on them.
Question. You were the first that told, were you not?
Answer. Yes, sir.
Question. When did you tell?
Answer. In the latter part of June or the 1st of July.
Question. When did you get your whipping?
Answer. About June 11.
Question. Did you tell immediately after that?
Answer. No, sir; it was two or three days, and probably a week after.
Question. Now, you say it was two or three days after the whipping, and yet a little while ago you said it was about the latter part of June of or the 1st of July.
Answer. Well, sir, I am not positive of the time.
Question. Who did you tell?
Answer. Judge Logan.
Question. When did you tell him?

Answer. Some two or three days after I was whipped.
Question. Did he promise to give you anything?
Answer. No, sir.
Question. Did you tell anybody about this thing before you were whipped?
Answer. I told Captain Eves about it. I corresponded with him all this time.
Question. Never told any one else?
Answer. No, sir.
Question. When you were whipped, you out with it?
Answer. Yes, sir.
Question. Did you say, after this whipping, you out and told all about it, and left the order?
Answer. No, sir; I told them I had told Judge Logan and had made an affidavit.
Question. When was that?
Answer. Two or three days afterwards.
Question. Did you attend any meeting after that?
Answer. No, sir; none was held after that to my knowledge.
Question. Did you have any communication after that time with the order?
Answer. No, sir.
Question. Did you have any communication with any officer of the order after that time?
Answer. With Jesse Depriest.
Question. What did he say?
Answer. He said they were gone up.
Question. You had no communication with the order, as a member, after that time?
Answer. No, sir; none at all.
Question. Who gave you those orders about getting your uniform?
Answer. Jesse Depriest.
Question. When did you get them?
Answer. Some three or four weeks before the raid was made on town.
Question. Didn't you know that he gave no order?
Answer. No, sir; I know that I got orders to have my uniform.
Question. You are certain of that?
Answer. I am, sir.
Question. Wasn't he opposed to raiding?
Answer. He always said he was opposed to raiding, but would never try to stop it.
Question. Now, sir, you say that, on this raid they were going to make on Rutherford, they were going to kill all these men?
Answer. They said that they were going to kill Mr. Justice and Judge Logan, and skin Carpenter alive.
Question. Did you state that they were going to whip and kill on their raids?
Answer. They said they were going to scare, whip, and kill them out.
Question. Did Depriest tell you of this?
Answer. Yes, sir; some two or three months before.
Question. Didn't you tell Captain Eves about it?
Answer. Yes, sir; I told him that they were going to kill Mr. Justice and Judge Logan, and skin Carpenter. We talked of it a good deal.
Question. Did you get any orders to go on that raid?
Answer. No, sir.
Question. Who told you about the purpose being to kill?
Answer. Jesse Depriest.
Question. Any one else?
Answer. I heard it from other parties.
Question. How long did you say you had orders to have your uniform before the election?
Answer. We were ordered to have them three weeks before the election.
Question. You don't know whether Adolphus Depriest was on that raid or not?
Answer. I heard he was. I don't know whether he was or not.
Question. Did you ever hear from him that he was there?
Answer. No, sir.
Question. Didn't you once swear that he was there?
Answer. I said I thought he was there.
Question. Where did that take place?
Answer. Here, before the grand jury.
Question. Did you not swear positively that he was there?
Answer. I think I told them I thought so from his voice.
Question. You did not tell the grand jury positively that he was there?
Answer. No, sir.
Question. Did you know him?
Answer. Yes, sir.
Question. You were before this same jury on this very question, I think?

Answer. Yes, sir.
Question. In last June?
Answer. Yes, sir.
Question. But now you say that you did not know whether he was there or not?
Answer. I told the grand jury that I was of the opinion that he was there.
Question. Did you ever see Adolphus Depriest before the raid?
Answer. I had seen him frequently, but not for some time before the raid.
Question. Still you say you knew it was him by his voice?
Answer. Yes, sir.
Question. Did you tell them you took it to be him from his general appearance?
Answer. I don't think so.

TESTIMONY OF JULIUS FORTUNE.

Interrogatories by counsel for United States, (Phillips:)

Question. How old are you Mr. Fortune?
Answer. Going on nineteen years old. Will be in January next.
Question. Did you ever hear this before? [Reads oath of Invisible Empire.
Answer. Yes, sir; it was the oath I took.
Question. Did you belong to the Invisible Empire?
Answer. Yes, sir.
Question. Who gave it to you?
Answer. Decatur Depriest.
Question. Where is he?
Answer. He is dead. He was killed by McGaha.
Question. Did you go on the McGaha raid?
Answer. Yes, sir.
Question. Was Depriest on it?
Answer. Yes, sir.
Question. What did they do on that raid?
Answer. He searched the house of McGaha's for McGaha. They said he was not at home. They did not do anything there. They went on to where this old black woman lived and taken her out and whipped her. Then they went on to Owen's house after they left this old black woman's house. They went to McGaha's first, then to the old black woman's, and then to Owen's, and whipped him in the house. They never taken him out at all.
Question. When did you join the Invisible Empire?
Answer. Last February a year ago.
Question. Just turning seventeen?
Answer. Yes, sir.
Question. When did you go on the McGaha raid?
Answer. It was February 22, 1870.
Question. How far did McGaha live from you?
Answer. Half a mile.
Question. Did you get orders to go?
Answer. There was a Ku-Klux meeting that night. I went to it. McIntire was in command of them. After the meeting they got the crowd made up to go to McGaha, and they pitched out and went to McGaha's house, searched the house for McGaha, but did not find him. He was not home.
Question. What did you whip Owens for?
Answer. Because he talked too much and worked too little.
Question. What were his politics?
Answer. He had voted the conservative ticket before that.
Question. Did you know that?
Answer. I heard that.
Question. What tattling did he do?
Answer. I don't know, sir; they never told me; they just said he talked too much.
Question. Reported some distillery, did he not?
Answer. Yes, sir; I think he did.
Question. Did you charge him with that?
Answer. Some of the crowd talked about it.
Question. Were some of the crowd distillers?
Answer. I don't know, sir. McIntire was up for distilling.
Question. Anybody else?
Answer. I don't know whether there was any person along that dealt in liquors. Yes, I believe James Sweazy, and several of them were taken up for distilling.
Question. Did you ever go on any other raid?
Answer. On Rutherford.
Question. Were they the only two?

Answer. Yes, sir.
Question. What Den did you belong to?
Answer. To Cherry Mountain. John Wethrow was chief.
Question. When did you hear of the raid on Rutherford?
Answer. I think I heard of it the Saturday before the raid was made.
Question. When did you first hear of it? Please state.
Answer. I reckon about two or three weeks before.
Question. Are you certain it was as much as two weeks?
Answer. There was a night set for the raid, when they were going to raid the next night; but they didn't go till some time afterward. I was at Cherry Mountain when they were going to raid the next night.
Question. Where did you hear of it at first?
Answer. I can't say.
Question. How often would you meet in the Den?
Answer. Toward the last about once a week.
Question. What do you mean by "toward the last?" Before you broke up?
Answer. Yes, sir.
Question. How long before you broke up did you meet once a week?
Answer. Something like two weeks.
Question. Did you hear there was to be a raid?
Answer. No, sir; I don't think I did.
Question. You say it was fixed two weeks before to raid on Justice?
Anwer. Yes, sir.
Question. Do you know why they didn't go on the first time of appointment?
Answer. No, sir.
Question. Did you hear it from members of the Ku-Klux Invisible Empire?
Answer. Yes, sir; or I never would have heard of it.
Question. Did you ever hear Mr. Amos Owens speak of it?
Answer. No, sir.
Question. When did you see him?
Answer. We started from his house.
Question. When did you go to his house?
Answer. About two hours before sunset Sunday evening.
Question. When did you leave?
Answer. About dark.
Question. How far from town?
Answer. Twelve or fifteen miles.
Question. Who were there besides you?
Answer. Alexander McIntire, Robert Horton, Bill McIntire, Logan Hampton, William Teel, Lox Long, Spencer K. Moore, John Hunt, Robert Hunt, Coran Rollins, Julius Fortune—from Whiteside Settlement—and William Alexander.
Question. Was this Horton in the Vindicator's office.
Answer. Yes, sir; Joseph Fortune was another.
Question. Was Adolphus Depriest at Owens's that Sunday night?
Answer. Yes, sir.
Question. Did he go off with you?
Answer. No, sir.
Question. Who else?
Answer. Bill Carborn was there.
Question. Where is he?
Answer. I don't know where unless at home.
Question. You say Adolphus did not go with you?
Answer. He asked me if he might have my horse to ride, but I told him I wanted my horse myself.
Question. Did you own a horse yourself?
Answer. No, sir; I borrowed one from Amos Owens.
Question. Did Amos Owens send any other horses besides the one you had?
Answer. Yes, sir; three of his horses were on the raid.
Question. Did Depriest own a horse himself?
Answer. No, sir.
Question. How is he kin to Jesse?
Answer. Was his uncle.
Question. To Decatur Depriest what kin?
Answer. A kind of a grand-uncle.
Question. Were you at Cherry Mountain the Saturday before the raid?
Answer. Yes, sir.
Question. Did you know if Addie Shotwell was?
Answer. I don't know, sir.
Question. Were you there Friday?
Answer. I don't know, sir. I was there several days before, and on Saturday.

Question. What did you join this society for? Did you hear what it was for?
Answer. They didn't tell me anything until after I had joined.
Question. What did they talk about?
Answer. They talked about bringing in as many as they could; that is, to swear them in, and if there was any whipping to be done it was given to a committee who would do it.
Question. What did they whip for?
Answer. For stealing, or if any one would fall out with or were disliked by them—that is, if two men would fall out and one was a member of the order, the other would be whipped if the Ku-Klux wanted it and reported it to the Den.
Question. What else now?
Answer. I don't know as I can tell what all they did whip for.
Question. Did you ever hear anything about politics?
Answer. No, sir, not then.
Question. At any time?
Answer. No, sir.
Question. Were you against people for being of one politics or another?
Answer. No, sir.
Question. What did they go on the raid against Mr. Justice for?
Answer. I don't know, sir.
Question. You never heard anything said?
Answer. No, sir.
Question. Were you an officer?
Answer. No, sir. A private.
Question. Have you ever heard anything said why they went on Mr. Justice?
Answer. No, sir.
Question. What did they say they were going to do to Mr. Justice?
Answer. They had it reported that they were going to kill him.
Question. Who said that?
Answer. John Harrill, sir.
Question. Anything else?
Answer. No, sir.
Question. Was anything said about killing Mr. Justice on the Sunday night at Amos Owens?
Answer. No, sir.
Question. Did you go on the raid to town?
Answer. I went to the edge of town.
Question. Did you go into town?
Answer. No, sir.
Question. Did you see R. A. Shotwell that night?
Answer. Yes, sir, about a mile and a half from town.
Question. Did you know him well?
Answer. Yes, sir.
Question. What was his place in the order; a private?
Answer. I think he was chief of Rutherford County.
Question. Did he take command of you that night at Cox's shop?
Answer. Yes, sir.
Question. Well, you say you didn't go into town?
Answer. No, sir.
Question. Where did you stay?
Answer. About the foot of the hill.
Question. With the horses?
Answer. No, sir, I didn't hold the horses.
Question. Did you see Mr. Justice that night?
Answer. I don't know that I saw him, but I heard him speak, and knew it was his voice.
Question. Did you hear any one ask him what his name was?
Answer. Yes, sir, I think I did.
Question. What did he say?
Answer. He told them his name.
Question. What did they do to him?
Answer. I cannot tell you what they did. I got on my horse and left them in the road.
Question. Where did you go to?
Answer. I went home.
Question. Did you go to Downey's?
Answer. Yes, sir.
Question. What did they do there?
Answer. They whipped him.
Question. How many went to Downey's?

Answer. A crowd was going from the mountain with fifteen.
Question. Did you see him whipped?
Answer. Yes, sir.
Question. Did you whip him?
Answer. No, sir, I never got from my horse.
Question. Did you see them break down the Star office?
Answer. No, sir. I started to go in town, but they were shooting so I feared they would shoot me.
Question. When did you say you first heard of this?
Answer. They said two weeks before that there must be a raid on Rutherfordton, but didn't go until afterward.

Cross-examined by Mr. STRONG, for defendants:

Question. Mr. Fortune, did you say that Mr. Adolphus Depriest was at Cherry Mountain?
Answer. Yes, sir.
Question. He was going, was he?
Answer. Yes, sir.
Question. Wasn't he very drunk that night?
Answer. He had been drinking.
Question. Didn't you know he was very tight?
Answer. Yes, sir, he was very much under the influence of liquor.
Question. Was he too much so to know what he was doing?
Answer. No, sir, I don't know that.
Question. Wasn't he very much under the influence of it?
Answer. Yes, sir.
Question. You said upon your examination-in-chief that three of Mr. Amos Owens's horses were there and that you had one. Did you take it without saying anything about it?
Answer. No, sir, I asked him for it.
Question. And he said you might go?
Answer. No, sir, but he told me it was in the pasture, and helped me to saddle it up.
Question. You say you raided a man named McGaha. Was he white or colored?
Answer. He was a white man.
Question. What was he raided for?
Answer. Some of the people did not like him much, and said that he was a mean man. Some of them wanted to go on a raid that night, and so they made up a crowd and went.
Question. Some said he was a mean man and went on that account?
Answer. Yes, sir.
Question. And that he talked too much?
Answer. Yes, sir.
Question. That he was a conservative?
Answer. Yes, sir; I understood that he voted that ticket before.
Question. Some of them had a spite against him for reporting a distillery?
Answer. Yes, sir.
Question. And that there was a man with you named McIntire who was a distiller?
Answer. Yes, sir.
Question. Did you know John Harrill?
Answer. Yes, sir.

Counsel for United States:

Question. Did you know the fact that he was very active in getting up this raid?
Answer. He was the first to tell me about it, and said he was going to kill Mr. Justice.
Question. Did he tell you he was very active in raiding around—"night-hawking it?"
Answer. No, sir.
Question. Did he tell you he thought it should be done?
Answer. No, sir; he said he was going on it.
Question. Did he tell you he was going off to South Carolina?
Answer. Yes, sir; I think he did.
Question. Did he tell you that he had received word from Judge Logan that if he came back he would be all right?
Answer. No, sir; I don't know as he told me.
Question. You belonged to Cherry Mountain Den?
Answer. Yes, sir.
Question. Amos Owens belonged to that?
Answer. Yes, sir.
Question. Did any of these men belong to that Den?
Answer. Yes, sir; McIntire did.

TESTIMONY OF JOHN HARRILL.

Interrogatories by counsel for United States, (Phillips:)

Question. Listen to me, Mr. Harrill. [Here he read the oath, as before, of the Invisible Empire.] Did you ever hear that before?
Answer. Something like that.
Question. What is it?
Answer. The oath of the association—the Invisible Empire.
Question. How long did you belong to that?
Answer. Eight months.
Question. Who initiated you?
Answer. Richard Martin.
Question. In North Carolina?
Answer. Yes, sir; in Cleveland County.
Question. Have you been on any raids?
Answer. One on Ben Maize; last of March or 1st of April last.
Question. What did you raid him for?
Answer. His daughter had a fight with a white man, and we whipped her.
Question. How many of you did it take?
Answer. There was about thirty-five of us.
Question. Whip anybody else?
Answer. No, sir.
Question. How many licks did you give his daughter?
Answer. About twenty-five or thirty.
Question. Who told you to go?
Answer. Webster.
Question. What was your Den?
Answer. Burnt Chimney.
Question. Are you the Den who seceded from Depriest's?
Answer. Yes, sir.
Question. How long had you left Depriest's Den?
Answer. Well, about a couple of months; we only changed name and chief.
Question. Who told you to go on Ben Maize?
Answer. Webster.
Question. Well, did Webster send to you?
Answer. No, sir; I don't know how the order came. I went with Webster about sixteen miles in North Carolina. We started to go to Scuggins's.
Question. What for?
Answer. To whip Ann and Bill.
Question. What for?
Answer. Because they opposed the Ku-Klux and the other party.
Question. What other party?
Answer. The republican party.
Question. Scuggins had a good character?
Answer. Yes, sir.
Question. Well, sir, you say you went to whip this party, a respectable man of that county, for being a republican?
Answer. Yes, sir.
Question. Did you shoot Maize?
Answer. No, sir; they only shot to frighten him.
Question. What was the next?
Answer. On Granville and Miller.
Question. You say that was the raid against Miller?
Answer. Yes, sir.
Question. Did you whip him?
Answer. Yes, sir.
Question. How many licks did you give him?
Answer. Twenty or thirty.
Question. Did you whip him a second time?
Answer. Yes, sir; went back there Thursday night and whipped him.
Question. How many licks?
Answer. Twenty-five or thirty.
Question. Do you mean twenty-five altogether, by the men?
Answer. I mean twenty-five each time, altogether. That was the last raid I was on.
Question. Did you say anything about politics?
Answer. Yes, sir; one of them said, "You must be careful how you vote hereafter."
Question. Did you hear anything from Shotwell about this raid on Rutherfordton?
Answer. Yes, sir; on Friday before the raid was made on Sunday night.
Question. Did you see him?
Answer. Yes, sir; in town.

Question. Where did you hear of this raid?
Answer. Holland told me this raid was to be made. We were at Burnt Chimney Den, and I told him there that I had a little business up town, and we went up together and met Shotwell in town. He said they were going to kill Justice and Biggerstaff, and were going to kill Justice first.
Question. Did he say anything about Downey?
Answer. Yes, sir, I believe he did; but I don't know what it was.
Question. Was any one else with him?
Answer. No, sir.
Question. Did you talk with any one else about the raid?
Answer. No, sir.
Question. Did you talk with F. A. Shotwell?
Answer. No, sir.
Question. Do you know him?
Answer. Yes, sir.
Question. Was he a member of the Klan?
Answer. Yes, sir.
Question. How did you know?
Answer. I met him on the road one day and he gave me the grip.
Question. What did he say?
Answer. He said something about Ku-Kluxing, and asked how we were getting on.
Question. Did you know Shotwell then?
Answer. Yes, sir.
Question. How far from Rutherfordton did you live?
Answer. Five miles.
Question. Are you a butcher?
Answer. Yes, sir.
Question. Sold beef in Rutherfordton?
Answer. Yes, sir.
Question. How many dens were they?
Answer. I don't know, sir.
Question. Can't you mention them?
Answer. There was Cherry Mountain, Horse Creek—sometimes called Island Ford—Webster Den, Chimney Rock Den, and there was another—Hamerick was the chief—that I think was the name of it.
Question. What was Depriest's Den named?
Answer. They called it Burnt Chimney.
Question. Depriest was chief, was he not?
Answer. Yes, sir.
Question. Can you mention any other?
Answer. Deck's Den; he was chief. That's all I can recollect.
Question. Who was town chief?
Answer. Laddie Mills.
Question. Did you talk with Laddie Mills about that raid?
Answer. Yes, sir; he knew all about it. He was on Cherry Mountain when it was talked of.
Question. Who lives there?
Answer. Amos Owens.
Question. What were you doing there?
Answer. There were many cherries there, and we used to go there and eat them often.
Question. Did you talk with Owens?
Answer. Yes, sir.
Question. He said he was going?
Answer. Yes, sir.
Question. Did he go?
Answer. I don't know, sir; he said he could meet us at Red Tavern.
Question. It was a secret in the order, wasn't it?
Answer. Of course it was.
Question. Did Mr. Randolph say anything about his going on the raid?
Answer. I don't know, sir, whether he did or not. He wanted me to meet him between Cox's and Eve's, so I could throw the men out of the road until the whole crowd came up. He said he was going to Tom McIntire, to try to get him to go with him.
Question. Now what was the purpose of this order—the Invisible Empire?
Answer. If I understand it right, it was to raise one party and put down another.
Question. How were you going to do it?
Answer. They used to talk of heap of ways.
Question. Mention some of them.
Answer. Well, they said they would raid around before election——
Question. Did you hear them talk of it much?
Answer. Yes, sir; Shotwell told me they would.

Question. Who did you hear talk about it in that way?
Answer. I heard them all; I couldn't say which one.
Question. Did you ever persuade men in, or would you rather force them?
Answer. We would tell them to go into it, and many would go in through fright.
Question. You don't answer my question; I ask you if they ever persuaded them?
Answer. No, sir; force was the general manner.
Question. In obeying instructions, did you obey all?
Answer. Yes, sir; as a general thing.
Question. Did you go on your own hook as a general thing?
Answer. No, sir; we would have to go by orders from the chief.

TESTIMONY OF JASON H. WETHROW.

Interrogatories by counsel for United States, (Phillips:)
Question. Mr. Wethrow, listen. [Reads the oath of the Invisible Empire, as before.] Did you ever hear that before?
Answer. Yes, sir.
Question. What is it?
Answer. I can't tell you exactly, sir.
Question. Tell me, Mr. Wethrow, what this paper is.
Answer. It's about the Ku-Klux—the oath.
Question. Did you have to take this oath?
Answer. Yes, sir.
Question. When?
Answer. It was about the 1st of March, year ago.
Question. Who administered it to you?
Answer. Alexander McIntire.
Question. Where about?
Answer. In Mr. Owens's cove.
Question. Was he present?
Answer. Yes, sir.
Question. When you took it?
Answer. Yes, sir.
Question. Was he a member of the Invisible Empire?
Answer. Yes, sir.
Question. Who else were present?
Answer. Two of the Mr. McIntires, one or two of the Mr. Depriests, Mr. Smart, and Mr. Moony.
Question. What Smart?
Answer. Thomas.
Question. Where is he?
Answer. I don't know, sir; I reckon he is a lying out.
Question. When did he go away?
Answer. A month ago, I think.
Question. Did you know him?
Answer. Yes, sir; he lived with me at my house.
Question. You lived in Rutherford?
Answer. Yes, sir.
Question. What part?
Answer. In the eastern part of the county, next to Cleveland.
Question. How far from Rutherfordton?
Answer. About fourteen or fifteen miles.
Question. How did they administer the oath to you; what form did you go through with?
Answer. I don't know, sir, exactly.
Question. State what you do know.
Answer. They came for me and we went up to a hill, and Mr. McIntire had a blowing concern—I didn't know what it was—some kind of a whistle; and he blowed it, and some person answered him. I was on the hill then, about two hundred yards from the woods.
Question. What were you doing there?
Answer. We had been a-hunting. He stopped and blew once, and they answered twice, and he went down to them and told us to wait there till he came back.
Question. Who were with you?
Answer. Mr. Moony and Mr. Smart. He came back and took us with him, and we went down there, and there was two or three of them there. I didn't know what they were going to do with me. McIntire came and tied a handkerchief over my face, and said if I wanted to belong to a white man's government I must be blindfolded and take the oath while I was blindfolded.
Question. Did you answer while it was given to you?

Answer. Yes, sir.
Question. How did you answer?
Answer. Well, sir, as they would come to a certain part, I would say yes or no.
Question. Well, what did they then do?
Answer. Well, after they blindfolded me they took off the handkerchief from my face and had pistols and knives pointed around me. They were disguised in red-looking calico that came down to their knees.
Question. After they got through, what did they do?
Answer. They went off and left just the ones we had at first.
Question. Were you ever on a raid?
Answer. Yes, sir; on Mr. Biggerstaff's raid.
Question. On the last one?
Answer. Yes, sir.
Question. On any other raid?
Answer. Yes, sir; on one more.
Question. Which was that?
Answer. On a little nigger who lived with Mr. Sweazy, on Cherry Mountain. It was a nigger girl who belonged to Mr. Sweazy and was staying there still. I didn't know why they raided her; it was commanded to go and give her a little brushing.
Question. Any reasons given?
Answer. No, sir.
Question. Who gave you the orders?
Answer. The chief.
Question. Who was the chief?
Answer. Brother John.
Question. Where is he?
Answer. In the woods somewhar.
Question. How long has he been gone?
Answer. I don't know, sir; he was here and went home to get off.
Question. Was he bound here?
Answer. Yes, sir; he was bound here.
Question. Besides the little girl, who else did you whip?
Answer. No one, sir.
Question. Did you whip her?
Answer. Yes, sir.
Question. Were you disguised?
Answer. Some of them were.
Question. How many went on that raid?
Answer. I can't say exactly.
Question. Can you mention some of them?
Answer. Alfred Briggs, ——— Briggs, Amos Owens, two of the Mr. McIntires——
Question. Which ones?
Answer. Alexander and Bill. Bill Teel, Spencer K. Moore, and Thomas Sweazy.
Question. Any other raid?
Answer. No, sir.
Question. You went on the Biggerstaff raid?
Answer. Yes, sir.
Question. Mention some on that raid.
Answer. Alexander and Bill McIntire, William Teel, James Davis, Thomas Sweazey, Thomas Smart, Lem McFarland, Dug Bedford, and James Guadis.
Question. What did you have to do on the Biggerstaff raid?
Answer. Well, when we got thar, thar was some shooting going on, and Mr. Holland came and told me to go. He said he didn't want to go and put up his carcus. Some of them went around to the wagon and found Mr. Biggerstaff there; somebody told them to pull him out; McIntire struck Mr. Biggerstaff with his gun and knocked him down; afterward some of them took him with a rope into the woods; I didn't go with them.
Question. What did McIntire say?
Answer. He told them to do as he was commanded to do.
Question. What was that?
Answer. I don't know.
Question. Did Biggerstaff say anything was done to him?
Answer. No, sir.
Question. Who struck him?
Answer. Mr. McIntire.
Question. Did that hurt him?
Answer. It struck him down; I don't know where he struck him.
Question. Was that in the dark?
Answer. Yes, sir.
Question. All disguised?

Answer. Some were and some were not.
Question. Have you been on any other?
Answer. No, sir.
Question. What did they say they were going to do when they started?
Answer. They didn't say they were going to attack Biggerstaff; they said they were going to protect the prisoners that was arrested. They looked for the wagon track after they started, to find which way they wanted to go.
Question. Did you know who was in this wagon?
Answer. Mr. Holland was there—Mr. Biggerstaff's son-in-law.
Question. Were any women along?
Answer. His wife was in the house; Mr. Bedford and Mr. McIntire went and fetched Holland and Biggerstaff's wife both out, and fetched Govan Biggerstaff from under the house.
Question. What did they do to Mr. Biggerstaff?
Answer. I don't know, sir.

By counsel for defense:

Question. You say Mrs. Biggerstaff and Holland were brought out of the house?
Answer. Yes, sir.
Question. When was that?
Answer. That was on Friday, I think.

By counsel for United States:

Question. Was that before the Justice raid?
Answer. Yes, sir; as far as I can recollect.
Question. What did they say they had the prisoners for?
Answer. For Ku-Kluxing.
Question. Now, another raid; were you on another?
Answer. No, sir.
Question. Were you on the Rutherford raid?
Answer. No, sir.
Question. Did you hear anything about it?
Answer. Yes, sir.
Question. Who did you hear talk about it?
Answer. Mr. Shotwell said there was to be a raid made on town the second Saturday in June.
Question. Where was he?
Answer. In Rutherfordton.
Question. Where about?
Answer. Somewhere in the street.
Question. Any one else?
Answer. Yes, sir; Mr. Deck and Horton were talking about it. He was in the Vindicator's office.
Question. What was the Vindicator?
Answer. It was a democratic paper.
Question. Was Shotwell present then?
Answer. No, sir; the raid was to be on the second Saturday in June. They requested to know who was chief of Cherry Mountain Den. I told them it was my brother. They requested me then to ask him if he could send any men. They were all to meet on Saturday to see who could go and who could not.
Question. Who was there that day?
Answer. I can't tell you.
Question. That was the time they were all at Cherry Mountain?
Answer. Yes, sir; I told them I could not go; that my mule was too young. They said they would loan me one of their horses if I would go, and if I saw any one that wanted to go to let them know.
Question. Was Mr. Shotwell there?
Answer. R. A. Shotwell was not.
Question. Addison was?
Answer. Yes, sir; Mr. McIntire was there and a Mr. Hampton, and I saw them talking about the town raid.
Question. Did Ad Shotwell tell you who it was to be on?
Answer. I don't think he did. We met some two or three times before.
Question. Where was that?
Answer. At Cherry Mountain. He said it was to whip Mr. Justice and give him up to the South Carolina men.
Question. What did they have against Mr. Justice?
Answer. On account of politics. I think he was on the radical party.
Question. He was elected from the county, was he not?
Answer. Yes, sir.

Question. The Star office; what was the Star office?
Answer. It belonged to the radical party.
Question. Did they say what the South Carolina men were to do with Justice?
Answer. They were to carry him to the river.
Question. What did you understand was the object?
Answer. Some said to tie a stone to his neck and throw him into the river.
Question. Did you understand that at Cherry Mountain?
Answer. Yes, sir.
Question. Well, were these that were at Cherry Mountain generally low-down or respectable men?
Answer. They were all conservatives.
Question. How did they stand in the country?
Answer. They stood pretty fair.
Question. Amos Owens, how did he stand?
Answer. He stood pretty well.
Question. How about Shotwell?
Answer. He stood very well.
Question. Did you know his father?
Answer. Yes, sir.
Question. Who was he?
Answer. Preacher Shotwell, he was called.
Question. You said you saw R. A. Shotwell at Rutherfordton?
Answer. Yes, sir.
Question. How long before the raid?
Answer. A week or two.
Question. Before the Ku-Klux trials, in which Mr. Justice made his speech?
Answer. I can't tell you.
Question. Didn't you know when Mr. Justice made his speech there?
Answer. No, sir; I don't recollect.
Question. What did R. A. Shotwell say about the raid?
Answer. He asked me whether I would let the chief of Cherry Mountain Den know of this raid; that they wanted friends to do this.
Question. Who were present when Shotwell talked with you?
Answer. No one.
Question. When Addison Shotwell talked with Deck and Horton, any one present?
Answer. I think not, sir.
Question. What was the purpose of your Den?
Answer. To take in any person they could, so they could gain the election.
Question. What other purpose?
Answer. I don't know, sir.
Question. Obliged to obey all instructions?
Answer. Yes, sir.
Question. Lawful or unlawful?
Answer. Yes, sir; I don't think any of them were lawful.
Question. You say you didn't go on the raid?
Answer. No, sir.
Question. Where were you?
Answer. At Mr. Sweazy's Sunday night.
Question. Did you see any of them? Tell whom you did see.
Answer. James Hunt, Rub——
Question. Who else?
Answer. Carson, Rollins, and Julius Fortune.
Question. Who else? Did you ever hear any one say they were on it?
Answer. Yes, sir; some of them did. Amos Owens, Julius Fortune, Joseph Fortune, Mr. Bill Alexander, Alexander McIntire, William Teel, Spencer Moore, and Adolphus Depriest.
Question. Calvin Teel?
Answer. I don't know.
Question. William Tanner?
Answer. I don't know.
Question. D. B. Fortune?
Answer. Yes, sir.
Question. Did you hear Adolphus Depriest say what they did?
Answer. No, sir.
Question. Who did say what was done?
Answer. Alexander McIntire.
Question. Amos Owens sent three horses?
Answer. Yes, sir.
Question. Asked you if you would go?
Answer. No, sir.

Question. Did you say you would go?
Answer. Yes, sir.
Question. Did he say why they were going?
Answer. No, sir; he said nothing about it.

Cross-examination.

Interrogatories by counsel for defense, (STRONG:)

Question. Mr. Wethrow, I understand you to say that you were on Biggerstaff raid?
Answer. Yes, sir.
Question. Why did you go?
Answer. I went under the command by Mr. Alex McIntire.
Question. Why didn't you know why they were going?
Answer. That night he said he was going to keep them from hanging the prisoners; he said, that if they went to kill the prisoners, he would interfere.
Question. What prisoners?
Answer. I can't tell you who they were.
Question. These were the prisoners who were taken up for the first Biggerstaff raid?
Answer. Yes, sir.
Question. Did you know what purpose you were going for?
Answer. No, sir; not until I got to the house.
Question. When they got there what did they do?
Answer. They surrounded the house; some went up to the wagon and found some one in it; they tore the wagon top off and fetched him out, and one of them struck him somewhere.
Question. Who struck him, Biggerstaff?
Answer. Mr. McIntire struck Biggerstaff, and then some person got a rope from the mule and carried him off into the woods.
Question. Was he a white man?
Answer. Yes, sir.
Question. His wife was a white woman?
Answer. Yes, sir.
The WITNESS, (continued.) They carried him off into the woods; I don't know where; I saw him praying to let him go to the house.
Question. They didn't kill him, though?
Answer. No, sir; they brought him back. We went in and fetched Biggerstaff's wife out from the fire-place with Holland. They told Govan Biggerstaff to go to the crowd and he went, and started, and broke, and run, and Mr. McIntire shot at him.

By counsel for United States:

Question. Did they understand that they were going to testify against them as witnesses?
Answer. Yes, sir.

By counsel for defense:

Question. When did you first determine to be a witness in this case?
Answer. I was called here yesterday.
Question. Since you were indicted?
Answer. Yes, sir.
Question. Why did you determine to be a witness here?
Answer. Because I went up to Mr. Logan and told him all about it.
Question. Were you not told that if you would testify here it would be better for you?
Answer. No, sir.
Question. On another raid?
Answer. Yes, sir.
Question. On a little girl?
Answer. Yes, sir.
Question. Did you not know she whipped a white man?
Answer. No, sir.
Question. Did you never hear what it was for?
Answer. No, sir.
Question. Did you ever hear that she had a white child?
Answer. No, sir; if she did it was a very black one.
Question. You know that she did not have a child?
Answer. Yes, sir; she lived at my father-in-law's.
Question. These were the only raids you were on?
Answer. Yes, sir; the only two.
Question. Was it not told you, before you went before Judge Logan, that if you did it would be best for you?

Answer. No, sir.

Question. Did you ever see Addison Shotwell, at Cherry Mountain?

Answer. Yes, sir.

Question. Did you ever tell anything about this matter before you were informed that you had been told upon?

Answer. No, sir; I heard I was told on as being a Ku-Klux, but never heard I was on the raid.

Question. I understand, then, that you didn't tell anything about this matter until you were informed that you were told upon as being a Ku-Klux?

Answer. Yes, sir.

Question. You think Addison Shotwell was on Cherry Mountain?

Answer. I won't swear he was there.

Question. You can't swear he was at Cherry Mountain?

Answer. I think he was there on Friday or Saturday.

Question. Now, sir, Cherry Mountain, isn't that a great resort?

Answer. Yes, sir.

Question. Full of cherries?

Answer. Yes, sir.

Question. That was in the cherry season?

Answer. Yes, sir.

Question. You stated that this raid was to be made on Justice for his politics; now did you not hear that it was on account of a certain speech he had made before the commissioner, in which he said that the leader of the Ku-Klux should be hung?

Answer. I have forgotton that, if I ever knew it.

Question. You say you had a talk with A. Shotwell about it?

Answer. Yes, sir.

Question. How did you have that talk?

Answer. Well, sir, he knew that my brother was chief, and he knew that I was a Ku-Klux.

Question. Did you know that he was a Ku-Klux?

Answer. Yes, sir.

Question. How did you know?

Answer. He told me.

Question. How did he tell you?

Answer. He just came up and told me, sir. The reason was that he went home to tell my brother that there would be a raid on town, and wanted him to go.

Question. I understood you to say Mr. Adolphus Depriest told you he was there.

Answer. Yes, sir.

Question. Where was that?

Answer. I think it was at Amos Owens, on the next Sunday that he had been on the raid.

Question. How did he tell you that?

Answer. I can't tell you that; I reckon he was proud about it.

Redirect examination by counsel United States, (PHILLIPS:)

Question. Mr. Wethrow, I want to understand what you say about Mr. A. Shotwell being at Cherry Mountain.

Answer. He was there Friday or Saturday.

Question. Can you tell positively if it was him?

Answer. If it was not him it was his spirit.

Question. How long were you there?

Answer. I was there three days.

Question. How came you to go there?

Answer. I was on my way from the tan-yard; there was to be a meeting there, and most of them were conservatives. The Ku-Klux were to be there. Mr. Williams was the only radical there.

Question. Did you know Alexander H. Jones, the congressman?

Answer. No, sir.

Question. Are you a Night-Hawk?

Answer. I don't know, sir, what I am.

Recross-examination by counsel for defense, (STRONG:)

Question. I understand you to say that Adolphus Depriest told you on the following Sunday, at Cherry Mountain, that he was there?

Answer. Yes, sir.

Question. Did you not know that he was arrested at that time?

Answer. Yes, sir; he was tried there.

Question. Don't you know that on the next Sunday, after he was under arrest and was going to be tried at Sheldon, did you not know, too, that you were arrested by the United States?

Answer. I was not arrested at all.
Question. You went there, then?
Answer. Yes, sir; I went there.
Question. When did you see him there?
Answer. I think it was the next Sunday.
Question. Don't you know that he was in Raleigh the next Sunday?
Answer. I can't say exactly now whether it was Sunday or not I saw him.
Question. You say you saw him on Cherry Mountain?
Answer. Yes, sir.
Question. You said you had seen him on Cherry Mountain on the following Sunday, and now you say you don't know when it was.
(No answer.)
Question. Didn't you know that when this prisoner was taken the cherry season was over?
Answer. Yes, sir.
Question. What were you doing there then?
Answer. I can't tell you.
Question. What was Adolphus Depriest doing?
Answer. I don't know.
Question. Any one else there?
Answer. Amos Owens was there and his family.
Question. You don't know what you were doing there?
Answer. No, sir.
Question. What were you saying?
Answer. Well, we talked a good deal then.
Question. When did Depriest tell you that he was there?
Answer. When he got back.
Question. At what time?
Answer. Can't tell the hour when; don't know whether it was dark or morning.
Question. Can you tell whether it was before the raid or after it?
Answer. No, sir.
Question. Then was it before he was caught?
Answer. It was after the town raid; I don't know the time.

Re-examination.

By counsel for United States, (PHILLIPS:)

Question. What did Adolphus Depriest tell you about the raid?
Answer. He said he went.
Question. Did he say that he went into town?
Answer. No, sir.
Question. He told you on Cherry Mountain?
Answer. Yes, sir.
Question. Did Mr. Amos Owens say anything to you that day about getting every one who was a radical to go away?
Answer. He said that was the orders.

Third cross-examination.

By counsel for defense:

Question. You say this meeting was at Cherry Mountain. When was that?
Answer. Second Saturday in June.
Question. The night when it was talked of?
Answer. Yes, sir.
Question. Mr. Owens didn't say that then?
Answer. That was the talk.
Question. How many people were there that day?
Answer. I don't know, sir. I would not wish to tell you, as I didn't count them.
Question. Were there fifty.
Answer. Yes, sir.
Question. Were there a hundred?
Answer. I don't know, sir, how many.
Question. Were there any radicals?
Answer. There were but two that I knew.
Question. You didn't see but one on Saturday or Sunday?
Answer. Yes, sir; but I saw one on Friday.
Question. Can you undertake to say that there were any others there?
Answer. No, sir. That's all I saw
Question. Did they race them off?
Answer. I couldn't tell you that.

THE GRASSY BRANCH RAID.

UNITED STATES *vs.* JASON WETHROW, WILLIAM MCINTIRE, William Teel, James Hunt, Thomas Toms.	For conspiracy under the act of Congress of April 20, 1871.

Jason Wethrow, William McIntire, and William Teel pleaded guilty.
James Hunt and Thomas Toms *nolle pros.*

TESTIMONY OF AARON V. BIGGERSTAFF.

Interrogatories by counsel for United States, (Mr. PHILLIPS:)

Question. Mr. Biggerstaff, please state to the court and jury all you know in regard to this charge against these defendants, James Hunt and Thomas Toms. Go on and state what you know of this charge against the defendants, of the alleged attack made on you.

Answer. Well, I think it was on the 12th of May that I started. I was subpœnaed to go to Charlotte, or Saulsbury, or Raleigh, by Colonel Hester to meet a commissioner.

Question. Who were with you?

Answer. My wife, my daughter, William Holland, Govan Biggerstaff; and we went on down into Cleveland County, twelve or fifteen miles north of Shelby. My folks, who were with me, went into a little school-house—it looked to be a new one. I couldn't go in on account of the whipping I had received on the 8th of April, and I staid in my wagon. Some time in the night a gang of men rode up—it was betwixt midnight and day—and surrounded the house, and remained there for some time; I don't know how long. At last they told Holland to come to the door, and he did so, and they knocked him down with a gun. They rushed around the wagon and caught me by the hair of the head, and attempted to pull me out. I told them to let me alone and I would get out. They pulled me out, broke my arm, and struck me across the breast with their guns. They cut a mule loose, took the rope and put the rope around my neck. They swore they would kill me. They took me off about one hundred or one hundred and twenty-five yards, and tried first to choke me in going across, to hang me to a leaning sapling. They said they meant to kill me. They wanted to kill me and kill Judge Logan, and skin Carpenter alive. They said they intended to waylay the road and kill Judge Logan. They took me back to the crowd. When they brought me back Govan Biggerstaff was still in the house, and so was Holland and my old lady.

Question. Who were there? Mention some.

Answer. Wethrow and Gaddis were there. They kicked Biggerstaff out under the house. Then they ordered us to get into a ring, and in getting into a ring they cocked their guns to shoot us. They then said I was a "damned radical," and that I was going to swear agin them, and that they wouldn't get back in six years. Then they commenced talking, and said I must not swear agin them or they would kill me; and then they said, "Get into a ring; they would have me to kill anyhow." And all four of us got into a ring, and when they cocked their guns one of the mules jumped across the tongue of the wagon and caused them to look out at it. Govan Biggerstaff broke and run, and they shot at him. Mr. Hunt and me talked some little time. I had my hand on his coat sleeve. He said he had come two hundred miles that night, and had two hundred more to go against daylight.

Question. What did they say they were going to kill you for?

Answer. They accused me of going to swear on the Ku-Klux. They said I was a "damned old radical and had to quit my principles in voting the republican ticket." They said I must not swear agin them. I asked them what I must do, then; they said I must keep my mouth shut. I didn't swear agin them on the first raid they were on. I told them so that night.

Question. Did you know any others?

Answer. I knew James Hunt, Jason Wethrow, John Wethrow, Mr. Gaddis, and Jonas Bedford, and that's all I recollect.

Question. State whether there were any more or not.

Answer. Yes, sir. Some were holding the horses and mules; some ten or twelve or fourteen; I don't know how many.

By Judge BOND:

Question. Where was your wife on that occasion?

Answer. She was standing within six feet of me.

Question. Who were in the house?

Answer. William Holland, Govan Biggerstaff, and my wife.

Cross-examined by counsel for defense:

Question. What did Hunt say?

Answer. He told me had come two hundred miles that night, and had two hundred more to go before day. It was an hour before day.

Question. What were they after you for?

Answer. They said they were after me to keep me from voting.

Question. Did Hunt say that?

Answer. Certainly he did, sir.

Question. Was it raining?

Answer. No, sir.

Question. Cloudy?

Answer. At times it would come very cloudy, and blow off.

Question. Dark night?

Answer. No, sir; the moon was an hour or two high.

Question. What time did you think it was?

Answer. Betwixt midnight and day; when they left I think it was an hour before day.

Question. You say James Hunt told you he had come two hundred miles that night, and had two hundred more to go?

Answer. Yes, sir.

Question. He did not do anything to you?

Answer He cursed and abused me. I wasn't struck but one lick, as I can recollect.

Question. He didn't go with you in the woods?

Answer. No, sir.

Question. You say after you came back you saw Hunt?

Answer. I walked right by where he was standing.

Question. There were some twelve or fifteen in all?

Answer. Yes, sir.

Question. You didn't know any of them?

Answer. I knew two of them—Wethrow and Bedford.

Question. William McIntire; you don't recollect of seeing him?

Answer. No, sir.

Question. William Teel; you don't know whether he was there?

Answer. No, sir.

Question. James Gaddis; you saw him?

Answer. Yes, sir.

Question. Were they disguised?

Answer. Some of them were.

Question. Well, Hunt didn't have on anything?

Answer. His hat-lining was over his forehead.

Question. Was it put there to disguise himself?

Answer. It was.

Question. Just the lining pulled over his head?

Answer. Yes, sir.

Question. Pulled from the inside of his hat?

Answer. Yes, sir.

Question. How low did it come?

Answer. Close to his eyes

Question. You didn't see Toms?

Answer. I didn't know him.

Question. The only men you knew were Bedford, Hunt, and Wethrow, and you saw twelve or fifteen in all?

Answer. There may have been more; I cannot say.

Question. What color of hat was this; what was the color of the lining?

Answer. Well, you know, hats is generally lined with a dark color.

Question. You cannot tell the color of the hat?

Answer. It was a black hat.

Question. With a dark lining?

Answer. Yes, sir.

Question. What sort of clothes did he have on?

Answer. I didn't notice them particularly; it felt like woolen cloth.

Question. How far did Mr. Hunt live from you?

Answer. I reckon twelve miles.

Question. You say this was the 12th of May?

Answer. I think so.

Question. The moon was how high?

Answer. About an hour or two.

Question. You spoke of the moon being an hour or an hour and a half high; was it in the east or in the west?

Answer. In the east.
Question. Did it rain that night?
Answer. It commenced a little.
Question. How long did these people stay after they got there?
Answer. They were there a good bit.
Question. Good bit is a very indefinite phrase; what do you mean by a good bit?
Answer. An hour or an hour and a half.
Question. You think they were there from an hour to an hour and a half?
Answer. Yes, sir.
Question. And when they left, you say it was how long before day?
Answer. An hour or an hour and a half before day.
Question. Then they must have got there between 2 and 3 o'clock in the morning?
Answer. I expect so, sir.

Redirect examination:

Question. How far was this, did you say, from your house?
Answer. Well, I suppose some ten or twelve miles.
Question. You were on your way down here as a witness?
Answer. Yes, sir; to meet Colonel Hester.
Question. To take you before a commissioner?
Answer. Yes, sir.

TESTIMONY OF J. G. HESTER.

Question. Where did you make service on Mr. Biggerstaff and his daughter, Mrs. Norvill, and where did you serve the subpœna on Mrs. Biggerstaff; at her residence?
Answer. Yes, sir. The two first were in Rutherfordton, and the old lady was out where they live.
Question. Please state what instructions you gave with regard to their meeting anywhere, and where.
Answer. I told Mr. Biggerstaff and Mrs. Norvill, when I served it on them, of my intention, and it was to return the warrant to Charlotte; probably I was not exactly right about that, but would leave another as soon as I made the arrest. I served the summons on them before I made any arrest, and told them I would, if I made any arrest, send them word where to meet me.

By Governor BRAGG, of counsel for defense:

Question. By what authority did you execute this subpœna?
Answer. The papers were handed me by the commissioner.
Question. I see you put yourself down here as special deputy?
Answer. I am deputy under Colonel Carrow.
Question. You are not general deputy, then?
Answer. I was before that, but about that time I had received an appointment in the Treasury Department at Washington. But before that time I received an appointment as deputy marshal.
Question. Where is your appointment as deputy marshal?
Answer. I do not know whether I have it in my pocket or not.
Question. I see you signed this as special deputy, and as there is no special deputation it is as general deputy. When did you ever qualify as general deputy? Did you ever qualify at all?
Answer. Not at all.
Question. Never qualified; never given any bond or taken any oath?
Answer. Not as deputy marshal.
(An argument arose here as to the validity of Colonel Hester's appointment.)

By Mr. PHILLIPS, of counsel for the Government:

Question. You say that that summons was handed to you by the commissioner to execute on these parties?
Answer. Yes, sir; United States Commissioner Shaffer handed me the commission.
Question. You were a special deputy under Marshal Carrow?
Answer. I have a special appointment to issue papers from the circuit court, except final processes.
Question. Where was it Mr. Biggerstaff was to meet you at? At the head of the railroad?
Answer. That was the instruction I gave him afterward—I think the next day probably.
Question. That was before this attack was made on him?
Answer. Yes, sir; that was before we left Rutherford County. The warrant called for some persons who were in Cleveland County also. I came on into Cleveland, and left him there with instructions to meet me at the head of the railroad at Cherryville.

I made some other arrests in Cleveland County, and went on to Shelby, *en route* for Cherryville. On arriving in Shelby I found there was a United States commissioner at that place, and made my return before him, which saved the unnecessary trouble and expense of taking the prisoners to Charlotte by Cherryville.

Question. Captain Hester, what day did you serve the summons on Mr. Biggerstaff?

Answer. I have forgotten, sir, the day of the month, but I served it on him the first day I went into Rutherfordton.

Question. Where did you go after you served the summons on him?

Answer. I went on then to arrest the parties some seven or eight miles from Rutherfordton, and I found them all the way along from there into Cleveland County.

Question. Were you going toward Shelby?

Answer. Yes, sir.

Question. When did you return the warrant at Shelby?

Answer. I am not certain. I think it was the 12th or 13th.

Question. The 12th or 13th?

Answer. Yes, sir.

Cross-examined by THOMAS BRAGG:

Question. Did I understand you to say that you told them you would return this warrant at Charlotte?

Answer. Yes, sir.

Question. You say you do not remember when you made return of it?

Answer. I have forgotten the day exactly now.

Question. Did you tell them to come to Raleigh?

Answer. No, sir; I told them I was going to return it before the first commissioner I could find.

Question. Didn't you afterwards tell them to meet you at Cherryville?

Answer. Yes, sir, I told them to meet me at Cherryville before I left there.

Question. Before this attack was made upon him?

Answer. Yes, sir.

Question. I understand you to say it was returned then in Shelby before the commissioner on the 12th or 13th of May?

Answer. Yes, sir, before Commissioner Moore.

Redirect by Mr. PHILLIPS:

Question. You say you sent Biggerstaff word?

Answer. No, sir. Not after I returned the paper. I told him to meet me at Cherryville after I had made the arrest. I sent him word that he must come to Shelby, as I had found a United States commissioner there.

Question. Did you meet him afterwards?

Answer. No, sir.

Question. Look on this paper and see whether this was the correct date returned to the commissioner. Look on the back of it.

Answer. Yes, sir; the 13th, that was the day I went into Shelby. I made the return the evening I got there or the next morning, but that was the date, sir, that I made the return.

AARON V. BIGGERSTAFF recalled:

Question. What time was it that you were brought before the United States commissioner at Shelby?

Answer. I was not brought there. I didn't reach there. I had no notice at all. I was beaten on Friday night the 12th.

TESTIMONY OF MARGARET BIGGERSTAFF.

Question. Where do you reside, Mrs. Biggerstaff, when you are at home?

Answer. In Rutherford County.

Question. Go on and state to the jury what you may know in regard to being summoned anywhere as a witness, and say on all about it, whether there was any attack made on you or not.

Answer. Well, sir, Mr. Hester came to my house on Friday and summoned me, my husband, and daughter to meet him the next day for trial.

Question. What time did you start for home?

Answer. I suppose it was about 2 or 3 o'clock when we left home.

Question. What day was that?

Answer. Friday at 2 or 3 o'clock.

Question. How far did you go that night? To what place?

Answer. To Grassy Branch.

Question. State what took place there that night.

Answer. It was night when we got there, and my son-in-law and relatives was with

us, and my daughter was with us. We took out the mules from our wagons and eat supper, and my husband never got out of the wagon, and me and my son-in-law went into the house. I sat down upon a log or something—a sleeper I believe it was—and Holland put some boards down to the door and laid down on them; but I never laid down at all that night, and I never went to sleep. They went to sleep, and at a late hour in the night I heard voices like anger, cursing and swearing, and they came towards the house in a short time. I went to wake the men, but before I could wake them they were there at the door. They stood around that door sometime. I heard a gun fire and I see them pulling Mr. Biggerstaff out of the wagon. They came to the door and when there they struck Holland with a gun and knocked him down. He laid there a long time, and I thought he was dead. They took my husband off, and they said they were going to hang him. They took a rope we had on the mules, tied it, and put it around his neck, and went off. There were some three or four, or more—I can't tell how many—and was gone for some time. When they came back I stooped down to see whether Holland was dead. He raised up and stood up. I found he was not dead. They came in and they pulled him out, and told us to come out and stand around in a ring—they was going to kill him. They said it was because he was going to give evidence agin them.

Question. Who?

Answer. Mr. Biggerstaff. They said he should not go. I asked them why they treated us so. They said he was a radical and never should give another radical vote. They said if they had Carpenter then, and Judge Logan, they could take the country.

Question. What did you hear them say about Mr. Logan?

Answer. That they intended to skin Carpenter alive and to kill Judge Logan. Then they said they were only talking—just making friends with my husband, with the rope around his neck. They asked if we knew them. We said no. They said Mr. Biggerstaff could be one of the leading characters; he could be a leading man in that county if he would only quit the party he was in. They said we would know them if we saw them in the day-time. While we were standing there talking there was a gun fired. They staid there and talked to us some time. They told us if we would go home, not give evidence, and not vote the radical ticket agin, they would not kill us.

Question. State the parties, if you knew any of them.

Answer. There was John Wethrow, James Hunt, and Thomas Toms.

Question. Do you know Thomas Toms and Hunt?

Answer. Yes, sir; I knew both of them. Those three were all of the crowd that I knew.

Question. There were others there?

Answer. Yes, sir; there were others there; but none that I knew.

Cross-examined by Mr. STRONG:

Question. Were these men disguised in any way?

Answer. I saw two that were.

Question. How were they disguised?

Answer. I could not tell you, that I know of, particularly. One of them had horns on his head and the other I don't think had. He had some kind of a dress, something like an officer's dress. It looked blue or dark. I didn't pay much attention to see how they all looked.

Question. They said to your husband, you could see who they were in the day?

Answer. Yes, sir; they said if it was day-time you would know us.

Question. Didn't you say formerly before the commissioner that you didn't know James Hunt?

Answer. I never saw James Hunt before in my life. The next morning he came to our wagon and I knew it was the same man.

Question. You didn't know James Hunt before?

Answer. No, sir; I didn't.

Question. You saw him the next day at the wagon, and you concluded it was the same man?

Answer. Yes, sir.

Question. You think that he was one of the men that you saw that night before?

Answer. I do.

Question. Was he one of the men that had on a disguise?

Answer. He had no disguise that night; none at all that I saw.

Question. Now, here is Thomas Toms; you say you knew him?

Answer. I think I did.

Question. How did you know Thomas Toms?

Answer. I knew him because I knew him so long; from his voice and looks and general manner in talking and acting.

Question. Did you know him that night from his looks?

Answer. I think I did.

Question. You say that you not only knew him from his voice, but because you knew his size; knew his appearance?

Answer. Yes, sir.

Question. Didn't you swear before the commissioner that you didn't know Thomas Toms except from his voice?

Answer. I don't think I did.

Question. Didn't you swear before the commissioner that you didn't see Mr. Toms that night, but you heard somebody, or a voice that you heard, you took to be Mr. Toms's voice?

Answer. I don't think I said that.

Question. Didn't you say that you didn't see him that night?

Answer. Certainly, I saw him; yes, sir; certainly, I saw him.

Question. Did you come to that belief from his voice or from the appearance of the man?

Answer. Both.

Question. You believe you saw Thomas Toms there that night?

Answer. I do.

Question. When were you examined before about this matter?

Answer. I don't recollect the time.

Question. I understand you were examined about this matter before Mr. Wilson, at Rutherford?

Answer. Yes, sir.

Question. I want to know if you didn't say that you didn't see Mr. Toms that night, but you thought he was there from a voice you heard.

Answer. I think I said what I said.

Question. That is the time now and the place that I have asked you of. Before Mr. Wilson you think you gave the same account of it then as you give now?

Answer. To the best of my recollection.

Question. Where is Mr. Wilson?

Answer. I don't know.

Question. What time of night was it, Mrs. Biggerstaff?

Answer. I can't tell you what time of night. It was a little before day.

Question. How long did these people stay there?

Answer. I can't tell; it seemed like an hour to me; I don't know how long.

Question. Was it raining?

Answer. It rained a little in the first part of the night.

Question. Was the moon shining?

Answer. Sometimes it it did and sometimes it didn't.

Question. Was it rising or going down?

Answer. I can't say where it was. It was in the heavens somewhere.

Question. Don't you know the East from the West?

Answer. Sometimes I do.

Question. Can't you tell when the moon is rising or going down?

Answer. I didn't take any notice of anything about the moon.

Question. Did you stay in the house or come out of the house?

Answer. I staid in the house until I was pulled out. I never came out until they brought Mr. Biggerstaff back.

Question. Then you say they carried you out of the house?

Answer. Yes, sir.

Question. Where was the old man then?

Answer. Near the house, close to me.

Question. How close did you go to him?

Answer. A few steps.

Question. Give us some idea.

Answer. I was as close to him as I am to you. About eight or nine feet

Question. Where did you see Mr. Hunt?

Answer. I was there in the yard, and he shook hands before he went away, very friendly.

Question. Did you see whether he had on anything?

Answer. He had nothing on that I saw.

Question. Where did you see Toms?

Answer. He was there around the house. He kept off at a distance.

Question. How far?

Answer. I don't know, sir; I can't tell you the distance. After I came out of the house he came close to me. I was right at the door.

Question. How far was he from the door when you thought you saw him?

Answer. I can't tell; they were mixed up so.

Question. They were mixed up about there a good deal?

Answer. Yes, sir.

Question. How many do you think were there; as many as fifteen or twenty?

Answer. There was a crowd there, but I don't know how many.
Question. Was there a crowd there or twenty? Was there three or twenty?
Answer. I suppose there was three, but I won't say twenty. I suppose there was some ten or fifteen. There might have been that many or might have been more. They were moving about.
Question. You say Toms didn't come near the door?
Answer. Yes, he did, before I came out of the house.
Question. How far?
Answer. I don't know how far; I can't tell you. I can't tell you how far he was.

Redirect by Mr. PHILLIPS:

Question. You say you were well acquainted with Mr. Toms, and after you came out of the house he came up very close to you?
Answer. Yes, sir.

TESTIMONY OF WILLIAM HOLLAND.

Question. Mr. Holland, go on and state whether you knew Mr. Aaron Biggerstaff.
Answer. Yes, sir.
Question. Who did you see that was there in that raid? What county was that in?
Answer. In Cleaveland County, sir.
Question. Who was there in that crowd?
Answer. John Wethrow, Jason Wethrow, James Hunt, and Duck Bedford.
Question. State any others.
Answer. There was several others, but I am not satisfied of any other person that was there.
Question. You say Jason Wethrow, &c.; are you well acquainted with James Hunt?
Answer. Yes, sir.
Question. Was he there that night?
Answer. Yes, sir.

Cross-examined by Judge FOWLE:

Question. Where were you that night?
Answer. I was in that little house, about twenty-seven yards from the road.
Question. Somebody hit you?
Answer. Yes, sir.
Question. What time did you see Hunt?
Answer. I never see him till he came out of the house.
Question. Where did you see him?
Answer. He was in the crowd when they all came out of the house.
Question. Who brought you out of the house?
Answer. I don't know, sir.
Question. Did you know how you got out of the house?
Answer. Yes, sir. Some person came in and slung me around a time or two, and then slammed me out of the house. There was a crowd all around the house.
Question. In that crowd you say you saw Mr. Hunt?
Answer. After I came out of the house; yes, sir.
Question. Passing about, wasn't he?
Answer. Yes, sir.
Question. How far was this crowd off from you?
Answer. Which crowd?
Question. The crowd you speak of.
Answer. They was right around the house.
Question. Where was the old man?
Answer. He was in the ring, and the balance of them stood around.
Question. What time of night was it?
Answer. I don't know, sir; it must have been somewhere about 1 or 2 o'clock.
Question. It was dark that night, eh?
Answer. Yes, sir; it was in the fore part of the night.
Question. How was it after that?
Answer. Well, the moon was up.
Question. Was the moon rising or going down?
Answer. Rising, sir.
Question. What house was this you staid at?
Answer. It was a house belonging to Mr. Daves. It was an unoccupied house, close on to the road, and it was used sometimes for people belated in traveling to camp in. There was only a wagon room to turn about it.
Question. It was in the woods, then?
Answer. Yes, sir.
Question. How big a place was it there around the house?
Answer. Well, I don't know, sir; about the turn of a wagon around it, I suppose.

Question. Leaves were on the trees?
Answer. Yes, sir.
Question. There was just room round it for a wagon to turn around?
Answer. Yes, sir.
Question. It was in that place you were all contained?
Answer. Yes, sir.
Question. And you say you knew Mr. Hunt among these others—John Wethrow, Jason Wethrow, Alexander McIntire, &c.?
Answer. Yes, sir.
Question. Did you know Toms?
Answer. Yes, sir.
Question. You didn't see Toms?
Answer. I don't say positively.
Question. Was any of them disguised?
Answer. Some of them were.
Question. Who was disguised; any of the men you have spoken of?
Answer. They were partly. Wethrow had something around his neck——
Question. Which Wethrow?
Answer. John. It looked like a draw-string in the neck, and something loose all around.
Question. What did Hunt have on?
Answer. He didn't have any on particularly. That is, the one I took to be him had something or other on over his forehead.
Question. The man you took to be Hunt looked to have something on over his forehead?
Answer. Yes, sir.
Question. This was the man you took for Hunt?
Answer. Yes, sir.
Question. Well, who else had something on?
Answer. Jason Wethrow and Duck Bedford had something on.
Question. Jase Wethrow, too, had something on?
Answer. Yes, sir.
Question. One had something on that fell over his shoulders and body, and the one you took to be Mr. Hunt had something on drawn over his head?
Answer. Yes, sir.

Witnesses for the defense.

TESTIMONY OF ROBERT FORTENBURY.

Question. Do you know, sir, when a certain assault or attack was made upon Mr. Aaron Biggerstaff, near Grassy Branch.
Answer. Yes, sir.
Question. How far did you live from there?
Answer. Something like a mile or three-quarters.
Question. You know the night?
Answer. Yes, sir.
Question. How do you know it?
Answer. I saw Mr. Biggerstaff's wagon go by there that night. The next morning Mr. Biggerstaff and his wife and family came on by there, and said that they had been whipped the night before.
Question. You know it that way?
Answer. Yes, they came to my house the next morning.
Question. I wish you would state what you know about James Hunt. Tell all about it.
Answer. James Hunt came to my house just a little before dark. In a few minutes Mr. Biggerstaff's wagon passed by, and Mr. Hunt's wagon had just driven up, and so he camped and staid there that night.
Question. Was Hunt there with the wagon?
Answer. He came up with the wagon.
Question. Where did he camp that night?
Answer. He camped in my shoe-yard. He eat supper, and after that we talked awhile. We then laid down. After we had laid down a time, a parcel of men came to my gate and hollered. I got up and went to them. They asked me whose wagon that was. I said it was Mr. Hunt's wagon. They said it wasn't, was it. I said it was. They turned and went on down the road then. After that, Mr. Hunt and I talked a little. I then heard a gun fire and spoke to Hunt, and he said he heard two. I asked him which way it was. He said it was down the road. After awhile the dogs commenced making a noise, and I heard voices, and I don't know how many horses going up the road. I called to one of the men, and he scolded the dogs for making so much noise. They passed back again afterwards.

Question. What time was it when they went back, sir?
Answer. I can't tell you. I can't tell you what time they went down, exactly. I'd lay down awhile and get up again, and after I laid down a little while they went down the road. I saw them when they went down the road. It was dark and raining a little.
Question. Did you see Mr. Hunt at that time?
Answer. I heard him talking as they went down.
Question. What did he say to them?
Answer. He said they ought to go back, and not think of whipping such an old man as Biggerstaff.
Question. And they went on?
Answer. Yes, sir. And I forgot: he told them not to drink any more liquor; they was drinking too much. After they went out of the yard they went down.
Question. Is that the time you talked about the guns?
Answer. After that, I went into the house and laid down, and then I heard a gun fire.
Question. And he said he heard two guns?
Answer. Yes, sir.
Question. How long was that after they had gone?
Answer. I can't tell.
Question. Well, you went out there and you said you had heard this gun fire, and he said he heard two guns fire?
Answer. Yes, sir. He said he thought it was down the road.
Question. How did Mr. Hunt come there with his wagon? What was he doing?
Answer. He was going to market, and most every time he stops, he always gets me to do his shoeing.
Question. You are a blacksmith, then?
Answer. Yes, sir.
Question. What market was he going to?
Answer. I don't know, sir.
Question. Do you know which way he went to market down that way?
Answer. Down to Chester or York.
Question. Down to market in South Carolina?
Answer. Yes, sir.
Question. What did he have to sell, sir?
Answer. Whisky. He is in the habit of stopping at my yard.
Question. Did you have any conversation with these men after they came back?
Answer. I don't know as I did, sir.
Question. You know Mr. Hunt perfectly well?
Answer. Yes, sir.
Question. Can you be mistaken in the man? This is the man here? [Pointing to Hunt.]
Answer. Yes, sir, that is the man.
Question. What is Mr. Hunt's general character? Is it good?
Answer. I think it is. I never heard it disputed.

Cross-examined by Mr. PHILLIPS:

Question. How old are you, sir; what is your age?
Answer. Forty-three years old, I believe.
Question. Where does Mr. Hunt live?
Answer. He lives in Rutherford County; ten or twelve miles from me.
Question. You are well acquainted with him?
Answer. Yes, sir.
Question. You say he is in the habit of stopping at your place when he passes down your way?
Answer. Yes, sir.
Question. What time in the evening did he get there?
Answer. It was late—getting evening, most dark when his wagon came.
Question. You say you saw some men come there that night?
Answer. Yes, sir.
Question. What time do you think it was?
Answer. I can't tell. It might have been somewhere near midnight and it might have been about midnight.
Question. You say that Hunt had liquor along?
Answer. Yes, sir.
Question. How do you know?
Answer. That's what he generally hauls.
Question. Is that the only reason you know of his having liquor that night?
Answer. I saw some that night.
Question. Did you see any barrels?

Answer. Yes, sir.
Question. And did you get any liquor from him.
Answer. No, sir.
Question. How long were those men there when they passed down the road?
Answer. Not long; probably fifteen minutes.
Question. Did they get any liquor?
Answer. I think so, sir.
Question. Were they disguised?
Answer. I think so.
Question. What did they say about Mr. Biggerstaff?
Answer. They asked me if a wagon had passed down. I told them yes; and then they asked me whose wagon it was—if it wasn't Biggerstaff's—and I told them I didn't know.
Question. Did they say anything about Biggerstaff being a witness?
Answer. No, sir; not that I remember.
Question. You say you were asleep and the noise waked you up. Was the door open?
Answer. Yes, sir; I opened the door.
Question. What was the first noise that waked you up?
Answer. Somebody hollered right at the gate.
Question. What kind of a noise was it?
Answer. They just hollered, and my dogs commenced barking and making a noise, and they waked me, and I got up and went to the door.
Question. How far was your door from Mr. Hunt's wagon?
Answer. Some twenty-five or thirty steps.
Question. They were between you and the wagon when you got up.
Answer. Some of them was.
Question. What time did they get their liquor from Mr. Hunt?
Answer. They got it as they went down.
Question. Before you got up or after?
Answer. Well, I don't know; about the time I got up, I reckon.
Question. Were they drinking at the time you got out.
Answer. I heard some of them say something about some liquor. I think some of them got some liquor.
Question. When you got up they were engaged in conversation with Mr. Hunt?
Answer. Yes, sir.
Question. And Mr. Hunt was telling them that they were taking too much liquor, and that they had better go home?
Answer. Yes, sir; with his head out of the wagon.
Question. Was there any moon?
Answer. I think not.
Question. Some of them were about the wagon and some about the gate, and some of them asked you whether that was Biggerstaff's wagon?
Answer. Yes, sir.
Question. At the time you got up to the door some of them were talking to Hunt?
Answer. Yes, sir.
Question. And at that very same time a part of the same crowd were at your gate asking you whether that was not Biggerstaff's wagon; you told them no?
Answer. Yes, sir.
Question. How long did they stay there. I understand you to say that they didn't stay but a little bit.
Answer. No, sir; I don't think they did.
Question. Do you belong to the Invisible Empire?
Answer. No, sir. Well, that is, I never was sworn into it. I went to a meeting to be sworn in one night, but wasn't sworn in.
Question. But did you ever do it since then? Did you ever go with them any?
Answer. No, sir.
Question. Why wasn't you sworn in?
Answer. Well, it was dark about there, and they never saw me.
Question. When was that?
Answer. It was, I reckon, in January or February, this year.
Question. Did you see anybody?
Answer. Yes, sir.
Question. Had they a disguise on?
Answer. Yes, sir.
Question. All of them?
Answer. Well, I don't know that they all did. Those that I saw did.
Question. These men you saw that night had all disguises on, didn't they?
Answer. Yes, sir.

Question. What kind of a disguise?
Answer. Well, different colors.
Question. Did these men that came to your house call Mr. Hunt's name?
Answer. I think some of them did after I told them it was Hunt's wago
Question. What did they talk about?
Answer. I don't know, sir.
Question. Did they talk to you about Biggerstaff's wagon?
Answer. Yes, sir. They asked me if a dark wagon had passed there, and I told them yes. They asked me whose wagon it was; I told them I didn't know, but Holland was driving it.
Question. You didn't hear them mention Hunt's name at all.
Answer. I don't think I did.
Question. How about their going away? Where was Hunt?
Answer. After they went on down Mr. Hunt was there, and I went back into the house, and I heard a gun fired, and asked him which way it was, and he said it was down the road.
Question. How long was it before they came back?
Answer. I can't tell you that neither.
Question. You didn't see.
Answer. No, sir.
Question. How long was it after they passed that you heard a gun fired?
Answer. It may be a half an hour.
Question. What time was it that you heard the gun fire?
Answer. It was not so long after.
Question. Have you any idea what time of night it was?
Answer. I can't tell, for I had been asleep.
Question. Was there any moon then?
Answer. No, sir; I think not.

Redirect:

Question. You say that some of these men came up and asked you whose wagon that was?
Answer. Yes, sir; and I told them it was Mr. Hunt's wagon.
Question. You say that Mr. Hunt told them that they were indulging in too much liquor?
Answer. Yes, sir.

TESTIMONY OF WILLIAM TEEL.

Question. You are indicted under this bill of indictment, are you not, about that raid on Biggerstaff, at Grassy Branch, Cleveland County?
Answer. Yes, sir.
Question. State whether you saw Hunt, and all about it.
Answer. He was at Mr. Portenbury's——
Question. How many of you were up to Portenbury's?
Answer. Eleven or twelve.
Question When did you see Hunt and where did you see him?
Answer. We saw him in the wagon. Some of them called for a drink and some of them got some, and then we went down after Mr. Biggerstaff.
Question. Did Hunt go with you?
Answer. No, sir.
Question. Was Hunt there at all?
Answer. No, sir; he wasn't there without he went after we came away. I saw him at Portenbury's as we came back.
Question. Where?
Answer. In his wagon.
Question. Do you know Thomas Toms?
Answer. Yes, sir.
Question. Was he in your crowd that night?
Answer. No, sir; he wasn't along.
Question. Do you know how many were along?
Answer. Yes, sir.
Question. You were in the crowd and Toms was not in the crowd that night?
Answer. No, sir.

Cross-examined by Mr. PHILLIPS:

Question. Where did you come from the night of the attack?
Answer. From Cherry Mountain.
Question. When did you get notice to go on the raid?
Answer. About 10 o'clock that day, from John Wethrow and Aleck McIntire.
Question. What time did you start?

Answer. A little before dark.
Question. Who were along?
Answer. There was me and Bill McIntire, Aleck McIntire, Thomas Smart, Jason Wethrow, John Wethrow, Duck Bedford, Marcus Tucker——
Question. What is Bedford's given name?
Answer. Jonas Bedford.
Question. Who else?
Answer. Jeems Daves.
Question. Any other?
Answer. I believe that was about the crowd.
Question. Give another; that's not all.
Answer. McFarland.
Question. What McFarland?
Answer. They called him Bunger McFarland.
Question. Another one?
Answer. That's all I recollect of.
Question. Can't you recollect another? Try.
Answer. That's all I recollect.
Question. You started on the raid. Now how far did you have to ride to catch this man?
Answer. Ten or twelve miles.
Question. What time did you get to Portenbury's?
Answer. I don't know, sir, what time it was.
Question. Was there any moon that night?
Answer. Not as I recollect of.
Question. Starlight night?
Answer. No, sir.
Question. Cloudy?
Answer. Yes, sir; it was very dark.
Question. Did you have any liquor before you started?
Answer. Some of them fetched a bottle-full; that was the crowd that was drunk when they met us.
Question. Who do you mean to say?
Answer. Well, me and Bill McIntire went to what they call the "Johnson Place," and the rest came there.
Question. You and Bill McIntire went over there, and the rest met you, and they had what they wanted before they got there?
Answer. Yes, sir; some of them had been drinking pretty tolerable smart.
Question. Some of them had been drinking. Did they bring any with them?
Answer. Yes, sir; they brought a bottle.
Question. Did you take any?
Answer. I drank a dram or two. Then some of them said we had enough, and threw the bottle away.
Question. Was Mr. Hunt awake when you got to Portenbury's?
Answer. Yes, sir.
Question. Did you ask him for liquor?
Answer. No, sir; I did not.
Question. Did any of them?
Answer. I didn't hear any of them. They might have asked him.
Question. Did he come out or lay in his wagon?
Answer. He laid thar in his wagon.
Question. Did you have any talk with Portenbury?
Answer. No, sir.
Question. Did they have any talk with Mr. Portenbury?
Answer. Some of them did.
Question. Did they have on any disguise?
Answer. Some of them did and some didn't.
Question. Was there any talk between you and Mr. Hunt about Ku-Klux?
Answer. No, sir.
Question. Did you tell them you were a Ku-Klux?
Answer. No, sir.
Question. Did you mention any names?
Answer. No, sir.
Question. Did you mention what your business was?
Answer. No, sir.
Question. Did you leave Mr. Hunt there?
Answer. Yes, sir.
Question. Did he go with you?
Answer. No, sir.
Question. How long did you stop there?

Answer. Not long; about ten minutes.
Question. When you came back, did you knock Mr. Hunt up and get some more spirits?
Answer. Yes, sir; there was some four or five of us went on up on the hill and waited for the crowd.
Question. How long were you at Biggerstaff's wagon?
Answer. Well, we never staid there very long.
Question. Who do you mean by "we?"
Answer. Me, Bill McIntire, and James Wethrow.
Question. He was along?
Answer. Yes, sir.
Question. You say you three didn't stay very long?
Answer. Yes, sir.
Question. Did they hang old man Biggerstaff and kick the rest of them about while you were there?
Answer. Not while I was there. It was about half an hour before I came back.
Question. How far was it from Biggerstaff's wagon to Hunt's wagon?
Answer. Something over half a mile.
Question. When did you join the Invisible Empire?
Answer. I joined somewhere about last Christmas or New Year's, a year ago.
Question. Whereabouts were you when you joined?
Answer. At Amos Owens's kiln.
Question. Who initiated you?
Answer. Andy Friday.
Question. Who were present when you were initiated?
Answer. Bill McIntire, Amos Owens, and Adolphus Depriest.
Question. Do you know whether Mr. Hunt belongs to it?
Answer. No, sir; he don't.
Question. Do you know, sir, whether Mr. Toms belongs to it?
Answer. No, sir; he don't. I would know.
Question. If Toms or Hunt belonged to it, you say you would have heard of it?
Answer. I would know, sir.
Question. I understand you to say that there was some conversation going on in the wagon that you didn't hear?
Answer. No, sir; I didn't hear it.
Question. I understand you to say you didn't say anything about Mr. Biggerstaff?
Answer. No, sir; I didn't. If anybody else said anything, I don't know.
Question. Did you live in that house where the Biggerstaffs were?
Answer. Yes, sir.
Question. Where did you wait for this crowd to come back?
Answer. On top of the hill.
Question. Which side of Hunt's wagon was it?
Answer. Toward home.
Question. On the east side, where Biggerstaff's was?
Answer. Yes, sir.

TESTIMONY OF BUNGER MACFARLAND.

Question. Were you on the raid the night that old Mr. Biggerstaff was taken out of the wagon?
Answer. Yes, sir.
Question. Will you be good enough to state whether Mr. Biggerstaff had his wife there with him?
Answer. No, sir.
Question. Did you see Mr. James Hunt?
Answer. I saw him there as I went on.
Question. Where did you see him?
Answer. He was at Mr. Portenbury's.
Question. Under what circumstances and where did you see him? Tell the jury all about it.
Answer. We stopped at Portenbury's, and he was camped there in his wagon.
Question. What time did you get to Portenbury's; in the night?
Answer. Yes, sir.
Question. Where did you start from?
Answer. From Jonas Bedford's.
Question. How far was this from the place where you found old man Biggerstaff?
Answer. Some eight or nine miles, I reckon.
Question. What time did you start?
Answer. Just after dusk.
Question. It was some time in the night, then, that you got to Portenbury's?

Answer. Yes, sir.
Question. Did you find any wagon there?
Answer. We found Mr. Hunt's wagon there.
Question. Do you know him?
Answer. Yes, sir.
Question. How long did you stay there?
Answer. A few minutes.
Question. Did Hunt go off with you or not?
Answer. No, sir.
Question. Where did you leave him?
Answer. In his wagon.
Question. Are you satisfied that it was him?
Answer. Yes, sir; I have no doubt about it.
Question. Where did you go then?
Answer. Down to Biggerstaff's wagon.
Question. How long did you stay there?
Answer. About an hour.
Question. What did you do there?
Answer. We took Mr. Biggerstaff out of his wagon, and went into the room and took Mr. Holland out of the house and struck him with a gun, and some of them took Mr. Biggerstaff out a piece.
Question. Who did you go back with?
Answer. Jonas Bedford.
Question. Did you all go together?
Answer. We all went together till we got to Lattimer's; there I and another separated from the rest.
Question. Was Mr. Hunt there at that time?
Answer. Well, sir, I knew everybody that was in the crowd, and I know Mr. Hunt warn't there at no time.
Question. Did you knock anybody down when the attack was made on the old man?
Answer. I didn't; but I see Mr. Holland get struck over the head with a gun and knocked down.
Question. Did all in the crowd leave there together, or did some stay and the rest go?
Answer. We didn't leave anybody there except the old man and Mrs. Biggerstaff, and them as was with them.

By Mr. PHILLIPS:

Question. Well, now, you say you knew everybody that was there; wasn't Hunt there; do you mean to tell the court and the jury that Hunt wasn't there?
Answer. Mr. Hunt didn't go with us. He was in his wagon when we came back.

By the defense:

Question. Did you stop at Portenbury's when you came back?
Answer. We stopped at Hunt's wagon. We all stopped to take a dram, and the chief said we had enough and we had better stop.
Question. Who was the chief?
Answer. John Wethrow.
Question. Did Hunt say anything?
Answer. Hunt said the jug was in the wagon.
Question. Have you any doubt that it was Hunt in the wagon?
Answer. None whatever.
Question. Do you know Toms?
Answer. No, sir; I don't know him.
Question. Was there any man there that night of that name?
Answer. No, sir; there was no such man onto that raid.
Question. Did you know the men that did go into that raid?
Answer. I knew some of those that was into it that night, and Jonas Bedford told me the names of the rest the next day.
Question. You didn't know Mr. Toms?
Answer. No, sir.
Question. He was not one of these that you say was there that night?
Answer. No, sir.

Cross-examined by Mr. PHILLIPS:

Question. Who else were there with you that night?
Answer. John Wethrow and Jason Wethrow and Jimmie Gaddis and myself, Tom Stuart, and Jonas Bedford.
Question. Where were you when they started on the raid?
Answer. We started from Bedford's.
Question. Are you married?

Answer. No, sir.
Question. Do you live with your father?
Answer. Yes, sir.
Question. How came you to start from Bedford's?
Answer. I was not living with my father then; I was working for Bedford.
Question. When did you start into that organization?
Answer. Well, I was initiated that night.
Question. How many were sworn in that night?
Answer. None but myself.
Question. How many were present when you were sworn in?
Answer. Jonas Bedford, James Wethrow, and Thomas Stuart were standing off some five or six steps.
Question. What oath did you take?
Answer. I don't recollect now.
Question. You passed Hunt at Portenbury's?
Answer. Yes, sir.
Question. And left him there?
Answer. Yes, sir.
Question. How much liquor had you drank that night?
Answer. I hadn't drank very much till I came to his wagon; I drank a little at his wagon.
Question. How much?
Answer. Not much.
Question. Not more than a quart?
Answer. No, sir.
Question. How much?
Answer. A dram or two.
Question. Then you did not take as much as a quart?
Answer. It takes a right smart to make me a dram.
Question. Do you think you drank a tumblerful each time?
Answer. I don't think I did.
Question. Were you not pretty tight when you were sworn in?
Answer. Yes, sir.
Question. Did you drink after that?
Answer. Yes, sir.
Question. How many times did you drink after that?
Answer. Only once.
Question. When you got down to Mr. Hunt's you drank again?
Answer. Yes, sir.
Question. How many times did you drink at Hunt's wagon?
Answer. I drank two drams.
Question. Did he see you.
Answer. I don't know whether he did or not.
Question. You had no talk with Hunt?
Answer. Yes, sir; I did.
Question. What did you talk about?
Answer. We asked him whether there was a wagon went down the road.
Question. Did you mention Biggerstaff's name?
Answer. Yes, sir. We asked him if any wagon went down. He said if there was he didn't know it. We told him that Mr. Biggerstaff's wagon had went down. He said it might have went down the road, but he didn't notice it.
Question. Did you tell him what you were going to do with Biggerstaff?
Answer. No, sir.
Question. Nothing was said of Biggerstaff, then, except that it was Biggerstaff's wagon that passed?
Answer. No, sir.
Question. How long were you down at Biggerstaff's?
Answer. About an hour. Hunt asked who was at the head of us, and we told him Wethrow. Then he told Wethrow he had better take us home—take us all back; we were all drunk and drinking too much, he said.
Question. He did?
Answer. Yes, sir.
Question. What time of the night was that?
Answer. I don't know what time it was. We left Bedford's a little after dark, and it was dark when we got there.
Question. Did you know Mr. Hunt before?
Answer. Yes, sir.
Question. Did you recognize him that night, and how?
Answer. Yes, sir; I knew him by his peculiar voice.
Question. What kind of a voice has he got?
Answer. He has a coarse voice.

TESTIMONY OF WILLIAM MACINTIRE.

Question. Where did you see Hunt that night?
Answer. I saw him at Portenbury's. We went up there, and we hollered and went up around his wagon. We first went to Portenbury's gate and hollered, and some went to the wagon. Some of them spoke to Hunt—I think Wethrow spoke—and called on Hunt for a drink, and he got up and got his jug out. We didn't stay but a few minutes, when Wethrow gave orders to march on. I was standing opposite Portenbury's store. They came on. Wethrow gave orders for the whole crowd to keep on, and we went on to where Biggerstaff's wagon was. Some of them went up to the wagon, and the pistols went off. Then I left.
Question. After that you left?
Answer. Yes, sir; myself and several others left. We turned, and we still kept ahead until we got to Hunt's wagon again. We stopped there and called to him.
Question. How often did you have to call him?
Answer. Some of them called him a time or two, then they went up on the top of the hill and staid thar until the crowd came on.
Question. How long was that?
Answer. About half an hour, I think.
Question. Did you hear all that was said at Hunt's wagon?
Answer. I don't think I did; I could not say.
Question. Was anything said there about Biggerstaff?
Answer. Not that I heard.
Question. Was Biggerstaff down at Hunt's?
Answer. No, sir.
Question. Was Tom Toms in the crowd at that time?
Answer. No, sir.

Cross-examined by Mr. PHILLIPS:

Question. How many were there that night?
Answer. I think there was twelve.
Question. Did you know all of them?
Answer. I suppose I can give the names of them. There was John Wethrow, Jason Wethrow, James Sweazy, Jeems Gaddis, Martin Gaddis, Aleck McIntire, and Jim Daves, and Duck Bedford.
Question. That all?
Answer. All that I recollect of.
Question. That's only eight; you say there was twelve there?
Answer. Well, sir, there was Mr. McFarland.
Question. That's nine; go on; give the names of the balance of them.
Answer. William Teel.
Question. I ask you if there were not some others there that you were not acquainted with?
Answer. I don't think there was.
Question. How long did you stay there after you got there?
Answer. Didn't stay many minutes.
Question. Had they taken him out before you left?
Answer. No, sir.
Question. Who else left with you?
Answer. William Teel and James Sweazy.
Question. Where did you go to?
Answer. We went up the road toward Portenbury's.
Question. What place was it you stopped and waited and the rest joined you?
Answer. What they call the "Johnson place."
Question. How far was that beyond Portenbury's?
Answer. It was on the other side of Portenbury's where we was. It is west from here. We didn't pass Portenbury's as we went back.
Question. The crowd all got to you as you went on back?
Answer. No, sir.
Question. Where did you go to before they joined you?
Answer. At the cross-roads, right above Portenbury's.
Question. How far?
Answer. About a half a mile.
Question. Didn't you all leave Biggerstaff's wagon?
Answer. No, sir.
Question. How long did you have to wait up there before the balance of the crowd joined you going home?
Answer. It was not long.
Question. How long?
Answer. Half an hour, I suppose.

Question. Where was Hunt when you got there?
Answer. In the wagon.
Question. How did you know?
Answer. I heard him in the wagon.
Question. Did you see Hunt there that night?
Answer. Yes, sir; I saw him.
Question. When did you see him?
Answer. As I came back.
Question. What time of night was this?
Answer. I can't tell you.
Question. What time to the best of your knowledge?
Answer. It was not far from midnight.
Question. Was the moon up?
Answer. I don't know, sir.
Question. You went by there going toward home up to Johnson's cross-roads?
Answer. We didn't go to Johnson's place going up.
Question. You don't know who was there after you left there?
Answer. No, sir; I don't.
Question. And, after passing Hunt's wagon, you don't know anything about whether he went down there or not?
Answer. No, sir.
Question. Did Hunt go down there after you passed?
Answer. He would not have had time before the other crowd came up.

The district attorney here consented, as to these two parties, (James Hunt and Thomas Toms,) to enter a verdict of "Not guilty."

THE HOME, OR FIRST BIGGERSTAFF, RAID.

For conspiracy under the act of Congress of April 20, 1871.

THE UNITED STATES
vs.

1. Amos Owens	Guilty.
2. Jason Wethrow	Guilty.
3. Adolphus Depriest	Guilty.
4. John Calton	Not guilty.
5. Joseph Depriest	Not guilty.
6. Benjamin Fortune	Guilty.
7. Hall Martin	Nol. pros.
8. Joseph Fortune	Nol. pros.
9. Thomas Toms	Nol. pros.
10. Daniel Gould	Nol. pros.
11. Amos Harrill	Nol. pros.
12. Perry Humphry	Nol. pros.
13. Samuel Biggerstaff	Guilty.
14. Benjamin Gould	Not guilty.
15. Joseph Wilson	Not guilty.
16. Alfred Early	Not guilty.
17. Lloyd Early	Guilty.
18. James McDaniel	Not guilty.
19. Joseph McDaniel	Not guilty.
20. Achillies Durham	Not guilty.
21. James Sweazey	Guilty.
22. William Depriest	Guilty.
23. Taylor Carson	Guilty.
24. Olin Carson	Guilty.
25. Thomas Fortune	Guilty.
26. Leander Toms	Guilty.
27. Daniel Fortune	Guilty.
28. Alfred Biggerstaff	Guilty.
29. Barton Biggerstaff	Guilty.
30. Lawson Teel	Guilty.

Nol. pros. as to 6; not guilty, 8; guilty, 16—30.

This was the first raid on Mr. Aaron V. Biggerstaff, at his house, known as the "home raid."

The second raid on Mr. Biggerstaff was made whilst on his way to testify before United States Commissioner Shaffer, in relation to the before-mentioned raid, and was made for the purpose of deterring him from so doing, and known as the "Grassy Branch raid."

TESTIMONY OF MARY ANNE NORVILL.

By Mr. PHILLIPS, for United States:

Question. Where do you live, madam?
Answer. I live with Aaron V. Biggerstaff, in Rutherford County.
Question. Where is your husband?
Answer. He was killed in the war.
Question. Are you a widow?
Answer. No, sir.
Question. Did you marry again?
Answer. Yes, sir.
Question. Who was your first husband?
Answer. Mr. Norvill.
Question. What is your name now?
Answer. Mrs. Ramsey.
Question. Will you tell the jury there what you know about any persons coming to your father's house some time last spring, or whenever it was?
Answer. It was on the 8th of April, near midnight.
Question. Just go on and state to the jury what you know about it.
Answer. They came there, and I was sitting up by the fire when I heard them coming. I got up and started up-stairs. Before I could get up-stairs they bursted the door open. They rushed in and took my father out of bed, and some of them followed me up-stairs. I rushed up-stairs and I picked up my little daughter and crossed the room with her in my arms. She said that I put her under the bed, but I don't know where I put her. All that time they were up-stairs with their light, and they ran to my eldest sister and asked her if she was a witness in the McGaha raid, and she said she was not; and they asked her then if I was the one and she told them I was. Then Amos Owens said to me, "Are you the one that was up to court two weeks before this?" and I told him I was, and he struck me with his fist right there [under the eye] and then he pitched me over the banister, down-stairs. Then Ben Gould caught me by the hands and taken me into the big road. There they asked me if I was the witness that had been swearing agin them, and would ever swear agin them again. I told them I was, but I would not if they wouldn't kill me. Some of the crowd said my proportion was twenty licks, but I don't remember how many they gave me. I remember the first lick and last lick that was given me. Then Ben Gould carried me back into the house and my little daughter came running down-stairs, and this Alfred Biggerstaff stepped out into the floor and said when she opened the stair door he would shoot her dead. I told him not to kill her or no little child as innocent as she was, or words to that amount. They kept cursing and swearing around maybe three-quarters of an hour, but they didn't abuse me any more. Ben Gould held me all the time, and Scott Toms and Olin Carson said I was a witness against them at Rutherford court, and I was the only witness that had ever been in. They said if I didn't promise, they would kill me. I told them I would not appear agin them any more.
Question. What did they do to you?
Answer. They struck me and lashed me. John Wethrow was one of the men that came up and struck me two or three licks; Jason Wethrow was another; D. B. Fortune and Joseph Fortune were all that struck me.
Question. Did you know these persons?
Answer. Yes, sir; as well as I know my father.
Question. How did you know them?
Answer. I knew their voice and I knew their eyes and their features, for I had been with them all my life and I knew them well.
Question. How far did Ben Fortune live from you—Amos Owens—Scott Toms?
Answer. About two miles.

By Defense:

Question. Who else?
Answer. I don't know Scott Toms; he lives about three miles, it is said.

By the United States:

Question. How many were there, now, do you suppose?
Answer. I can't tell. Some says one thing and some says another.
Question. What did you think?
Answer. It must have been a hundred.
Question. Did they have on disguises?
Answer. Some did and some didn't.

Question. How about Mr. Owens? Did he have on a disguise?

Answer. Yes, sir; but I knew him by his eyes and by his voice. He was the first person that struck me and the last person that struck me.

Question. How many licks did they give you?

Answer. I don't know how many I got.

Question. What did they whip you with?

Answer. Some with pistols and some with hickories.

Question. Did they whip you in the house?

Answer. They never struck me in the house; that is, Amos Owens was the only one that struck me in the house.

Question. How long were they there?

Answer. Well, it must have been from an hour to an hour and a half. It seemed like a long time.

Question. Did you hear them call your father anything?

Answer. Yes, sir; I did.

Question. Where was your father?

Answer. He was lying in the bed when they came there.

Question. What did they say about your father?

Answer. They said they would kill him if he didn't promise to vote the conservative ticket.

Question. When was that said?

Answer. It was said after they had been there very nearly an hour. It was said the second time they brought him into the house, and I was begging them not to kill him.

Question. When they first came there, what did they say about your father?

Answer. They said they had got the old radical now and would kill him—they would use him as they pleased.

Question. Well, was your father a radical?

Answer. Yes, sir.

Question. What did they do to him first?

Answer. Well, sir, they taken him out into the lane, and when I got there they had him in the road, and were beating him with guns and pistols, lashes, and all sorts of things that they could pick up.

Question. How long were you out there?

Answer. Well, it didn't appear to be long; it didn't seem to me to be more than a minute; it might have been longer.

Question. What did you see there?

Answer. That was all I seed them do. They put a bottle of turpentine on his head and bursted it; and they told me that if I didn't go into the house they would kill me, so Ben Gould taken me in.

Question. What then?

Answer. Then they brought my father into the house, and they had him down about half straight, pulling him along by the hair and shoulders, beating him with sticks and guns. One man had a stick, and one man had a hoop off a barrel, and the rest were beating him with guns and pistols, over the back and legs, just wherever they could strike him. Then they laid him on the bed on his back, and then they beat him in his breast while he was there with their guns and pistols, and they were jobbing him with the butt-end of their guns and pistols. I thought he was dead, and I asked Ben Gould to let me go and put a pillow under his head, and they said if I moved they would shoot my heart out of me. They took him out into the road then, and Adolphus Depriest carried a chair out and laid it down cross-wise, and laid my father across it. I started to the door, and they said if I came to the door they would kill me; they said they would kill me if I went another step toward the door. After they fetched him back into the house the second time, Amos Owens said he could bear more, and said, "Let's gash him." He had a knife about seven inches long, and some man, the captain it was said, or the chief—I don't know who it was—said he had a plenty, and they came and drank water and went off. This chief was dressed in a white pair of pants, with a red shirt on with two crosses before and one behind, and he had a white cloth over his face, bound around the eyes with red, and he had on his head a big horn, about three feet high; it nearly touched the top of the loft. But I tell you it was the scariest sight, though he didn't look as scary as them that had four horns on.

Question. When you got out into the lane was your father standing up?

Answer. No, sir, they had him down, abeating of him, and they raised him to his feet, and laid that bottle of turpentine on his head. Amos Owens and William Depriest and Randolph Depriest had a bottle of turpentine on his head, and some powder, or something else, and they put fire to it, and bursted it on his head.

Question. Did they pour it out?

Answer. No, sir, they didn't pour it out; they laid the bottle on top of his head.

Question. How far from the house was that?

Answer. It was in the big road.

Question. They carried him out of the gate?

Answer. Yes, sir.

Question. How far is your house from the big road?

Answer. Farther than from here to the door, [about thirty feet;] and they knocked my father down, and was beating him. Then they held him up, and laid that turpentine on his head.

Question. What then did they do?

Answer. They took him in the house. They were dragging him in the house by the arms—John Calton, Randolph Depriest, and William Depriest, and a number of others that I didn't know. Them I knew; all the rest were strange men, that I never saw before.

Question. Were any of these persons whose names you have mentioned in disguise?

Answer. Some of them were.

Question. Which of them had no disguise on?

Answer. Samuel Biggerstaff had no disguise on except a rag tied over his face.

Question. What kind of disguise did they have on?

Answer. I can't tell you. Some with horns and some with gowns on.

Question. Did they have gowns and horns, too.

Answer. Yes, sir; and some of them had their coats turned wrong-side out, and some just had a white piece of cloth over their faces.

Question. What did Amos Owens have on?

Answer. Horns and a red gown.

Question. Did you call any of their names while you were there?

Answer. No, sir.

Question. Did they say anything to you about knowing them?

Answer. Yes, Randolph Depriest asked us if we knew any of them, and they said if we did they would kill us there.

Question. Where is Randolph Depriest?

Answer. I don't know, sir. He has gone away since then.

Question. Where did he live?

Answer. About a mile and a half from our house.

Question. A married man?

Answer. Yes, sir.

Question. Left his family?

Answer. Yes, sir.

Question. How long after that?

Answer. He was gone the next day.

Question. Do you know whether he has been home since then?

Answer. No, sir; I never have heard.

Question. Do you know James Sweazey?

Answer. No, sir.

Question. Jase Wethrow, he was there?

Answer. Yes, sir. He said because I had been a witness agin them in the McGaha raid.

Question. What was the McGaha raid for?

Answer. They went there to Ku-Klux him, and he killed Depriest for it.

Question. How long ago was that?

Answer. It was something over a year ago?

Question. You think it was in February, 1870?

Answer. Yes, sir; I think it was in February, before a raid was made at our house.

Question. That matter was investigated in court, was it not, and you were a witness?

Answer. Yes, sir.

Question. How long before had it been tried in court?

Answer. It has never been decided yet. They came to our house and said we had McGaha concealed there, but we never had. They came in and searched the house, but he was not there. They tore up the bed and burst up the floor, and the grand jury indicted them for it.

Question. Who were you a witness against?

Answer. Amos Owens and Aleck McIntire.

Question. Who else?

Answer. Doc. Fortune, Adolphus Depriest, Scott Toms, or Leander Toms. That is the same man. He is called Scott and Leander.

Question. Who else?

Answer. And Olin Carson.

Question. Anybody else?

Answer. I don't recollect.

Question. You were a witness against them about tearing up the floor and so on?

Answer. Yes, sir.

Question. They said they whipped you on acccont of that?

Answer. Yes, sir.

Question. Well, you say they attacked your father on account of his being a radical, a damned old radical?

Answer. Yes, sir.

Question. They took him out and when you got out into the big road they were beating your father and he was down?

Answer. Yes, sir.

Question. What did he have on?

Answer. Nothing but his shirt.

Question. Presently they took him up and put this bottle on his head and burst it?

Answer. Yes, sir.

Question. What did they do then?

Answer. They took him in the house and beat him in there, I don't know how long. These men was all around him, and they whipped him till they got satisfied, and then they asked us if we knew any of them. We said, no. They brought him in a second time, and then he was laid on a chair. Then they beat him out in the road and brought him in again. Some man said—I don't know who he was—"He has got enough." That was the second time they brought him in. Who their chief or captain was I don't know.

Question. Where did this John Calton live?

Answer. About four or five miles from our house.

Question. What kind of a looking man is he?

Answer. He is a tolerably large, dark-skinned, black-eyed looking man.

Question. William Depriest, was he there?

Answer. Yes, sir.

Question. What kind of a looking man is he?

Answer. He has a very heavy gray beard and blue eyes.

Question. Joseph Depriest and Adolphus Depriest?

Answer. They are very young-looking men.

Question. Taylor Carson?

Answer. He is a young man.

Question. How did you know him?

Answer. I knew him by his voice and knew his eyes.

Question. What kind of a disguise did he have on?

Answer. I don't think he had any on at all, but his coat turned wrong side outward and a handkerchief over his face. Olin Carson said he was Decatur Depriest, and I said, ghosts never come back again.

Question. Ben Fortune?

Answer. He had a handkerchief over his face.

Question. Tom Fortune?

Answer. I don't know him.

Question. Joe Fortune?

Answer. He had a handkerchief over his face.

Question. Leander Toms?

Answer. He had just a handkerchief over his face.

Question. He lives in your neighborhood there?

Answer. Yes, sir; about three miles from our house.

Question. Daniel Fortune?

Answer. I don't know him.

Question. Amos Harrill?

Answer. I took it to be him. He was in the lane and never came in the house. He was not disguised at all. I was as positive of him as them that were in the house. I believe it was him.

Question. Samuel Biggerstaff, was he there?

Answer. Yes, sir.

Question. Is he any kin to you?

Answer. Yes, sir; he is said to be my father's half brother.

Question. Was he there?

Answer. Yes, sir.

Question. What disguise did he have on?

Answer. He had nothing on at all but his coat turned wrong side outward, and a handkerchief over his face.

Question. Was there any ill-will between Samuel Biggerstaff and your father?

Answer. They never did agree in their lives. Samuel didn't agree with any of his brothers. He lived about two miles from us.

Question. Alfred Biggerstaff, was he there?

Answer. Yes, sir; my little daughter came running down to me after they had brought me in the house. He opened the door and said if she came out he would kill her. He had his wife's old dress on; a dress that I have seen many a time. I told him he had better not kill that child; he had better kill me.

Question. How near to you does he live?

Answer. About the same distance; about two miles—on his father's land.
Question. Barton Biggerstaff?
Answer. He was in the house disguised only with a necklace and cravat.
Question. What was it made of?
Answer. Made with wool with horns.
Question. Where was that tied?
Answer. Just around the back part of his head.
Question. How wide?
Answer. It was wide enough to come down to his throat. They called them a cravat.
Question. He had a cravat tied around his face and the back of head.
Answer. Yes, sir. That came off. The Early boys tied nothing over their face. Their coats were only turned wrong side outward. If they had anything over their faces I didn't see it at all.
Question. Ben Gould, did you see him?
Answer. Yes, sir; he was there. He was the one that took hold of me first.
Question. What kind of disguise did Ben Gould have?
Answer. He had on a red gown and white cap with red horns.
Question. How did you know him?
Answer. I knew him by his voice and eyes, and he went into the house and talked.
Question. Joseph Wilson?
Answer. He was not disguised at all.
Question. Do you know him very well?
Answer. Yes, sir; I do. I saw him two or three times.
Question. Where does he live?
Answer. He lives somewhere in Cleveland.
Question. In Cleveland County?
Answer. Yes, sir.
Question. You say you had seen him several times, two or three times before that?
Answer. Yes, sir; I saw him at Salem Sharpe's. He passed our house that evening.
Question. Alfred Early?
Answer. Was not disguised at all, or his brother Lloyd.
Question. How far do they live?
Answer. About a mile and a half or two miles.
Question. Are they married?
Answer. One of them is.
Question. What did they do?
Answer. I don't know, sir. They had the hickories in their hands.
Question. James McDaniel?
Answer. He was in the house.
Question. How far does he live from you?
Answer. Some six or seven miles, I expect.
Question. Do you know him?
Answer. I have known him all my life.
Question. What aged man is he?
Answer. Thirty-five or forty years of age.
Question. Joe McDaniel?
Answer. I don't know him. I saw him there that night but he didn't come in the house.
Question. Achilles Durham?
Answer. I don't know.
Question. Lawson Teel?
Answer. I don't know him.

Cross-examined for defendants by Judge FOWLE:

Question. Your name is Mary Anne Ramsey?
Answer. I go by the name of Norvill.
Question. Why do you go by the name of Norvill, then?
Answer. I go in my first husband's name.
Question. And you are still called by his name, although you are married a second time?
Answer. Yes, sir.
Question. When were you married a second time?
Answer. Married a year ago.
Question. Married in 1870—this being 1871.
Answer. I reckon I was, sir.
Question. You were married, then, at the time this raid took place?
Answer. Yes, sir.
Question. You were married at that time to Mr. Ramsey?
Answer. Yes, sir.
Question. Was your husband with you at the time of this raid?

Answer. We was not married at that time.
Question. You are pretty well satisfied you were not married at that time? I am speaking about this last raid, the 8th of April, 1871.
Answer. No, sir. I haven't seen him since last July.
Question. Do you mean July, 1871?
Answer. July one year ago.
Question. The July previous to this raid. You had not seen your husband since then? Your husband was not present at the time?
Answer. Yes, sir.
Question. Have you always lived with your father?
Answer. Part of the time, and sometimes at my father-in-law's.
Question. Mr. Ramsey?
Answer. No, sir; Norvill. He has been there since the third week of April.
Question. At the time of this whipping, then, you say you lived at your father's house?
Answer. Yes, sir.
Question. What time of night did it occur?
Answer. Near midnight.
Question. Down stairs sitting by the fire?
Answer. Yes, sir.
Question. Large fire?
Answer. No, sir; not a very large fire; a good light.
Question. Any other member of the family away at the time?
Answer. No, sir. My mother was in the room with me. My father was up stairs. No person else was in the house except my older sister. When they came they started me up stairs. They followed me up there and brought me down stairs.
Question. Did they touch your sister?
Answer. No, sir. They asked her if she was a witness and she said not.
Question. Were they up stairs?
Answer. Yes, sir.
Question. Who was it ran to your sister?
Answer. Amos Owens.
Question. You know that?
Answer. Yes, sir.
Question. How long have you known Amos Owens?
Answer. I have known him this last thirteen years.
Question. How far does he live from you?
Answer. About two miles.
Question. Where did your sister live?
Answer. She lives there with my father; always lived there.
Question. How long has Amos Owens lived within two miles of your father?
Answer. Thirteen years.
Question. How many times do you think you have ever seen Amos Owens?
Answer. I can't tell you how often. Every week or two I have seen him passing there.
Question. How many times do you suppose your sister ever saw him?
Answer. As often as I have, and maybe oftener.
Question. Mr. Owens was, then, well acquainted with you?
Answer. Yes, sir; he was.
Question. You say you were a witness in the McGaha raid. What time was it?
Answer. Just two weeks before the raid was made; some time in February or March. It was in March that I was a witness.
Question. Was Amos Owens present when this testimony was taken?
Answer. He was there at the court-house at Rutherfordton.
Question. Before what judge?
Answer. I was just summoned as a witness there.
Question. You were examined in March, 1871, at the court-house in Rutherford, as a witness in the McGaha raid?
Answer. It was indicted in 1871 and I was summoned to go there as a witness.
Question. You were examined in March at Rutherford—March of this year—in that case? I am speaking about the time you were examined.
Answer. Yes, sir; I just went before the grand jury. It has never been decided.
Question. Was your sister there?
Answer. No, sir; she was not a witness at all.
Question. Amos Owens was there?
Answer. Yes, sir.
Question. Did you see him there?
Answer. Yes, I did.
Question. Did you see him?

Answer. Yes, sir; he was as close to me as this gentleman here, [about three feet.] I saw him there at court for three days.

Question. This man that had known you for thirteen years, that saw you there, come up and asked your sister if she was the one?

Answer. He never touched my sister.

Question. What kind of a disguise did he have on?

Answer. He had on a red gown—long gown or short one, I never noticed; he had it on over his outside clothes.

Question. Did Amos Owens have any weapons in his hand at all?

Answer. He had a gun.

Question. What kind?

Answer. One of these large guns.

Question. Was it a musket?

Answer. It looked like one of those kind of guns.

Question. Did he keep it in his hand the whole time he was there?

Answer. Yes, sir.

Question. Did he have any other weapon besides the gun?

Answer. I didn't see anything at all but his gun.

Question. You are satisfied of that?

Answer. If he had any other weapon I don't recollect.

Question. Did he have a hatchet?

Answer. No, sir.

Question. Did he have a dirk?

Answer. Yes, sir; I had forgot that.

Question. You say, then, now, he did have another weapon besides that gun?

Answer. Yes, sir; he had a dirk. It was a knife.

Question. That was Amos Owens?

Answer. Yes, sir; I know it was Owens.

Question. Did you see Ben Gould there?

Answer. Yes, sir; I saw him there.

Question. How long did you say you had known Ben Gould?

Answer. I have known him all my life.

Question. How long had it been previous to that occasion since you had seen Ben Gould?

Answer. Not for two months. He passed our house and stopped at the gate, but didn't come in.

Question. About two months. Where was it you first saw Ben Gould that night?

Answer. Up-stairs.

Question. Did he make any assault upon you?

Answer. None at all. He only held my hands.

Question. Who carried you down-stairs?

Answer. No person.

Question. How was Ben Gould dressed that night?

Answer. He had on a red gown and a cap on with horns.

Question. What did you recognize him by?

Answer. By his voice and by his eyes.

Question. Did he have anything on over his face?

Answer. He had a cloth down over his face, and one part of it was torn down. I staid with him all the time.

Question. Was the mask torn down? How far?

Answer. About half way down.

Question. How long have you known him?

Answer. Ever since I can recollect.

Question. You didn't see him for two months before that night?

Answer. No, sir.

Question. Was he implicated in the McGaha raid?

Answer. Not that I know of.

Question. You were not a witness against him?

Answer. No, sir.

Question. Was he the only man that went up-stairs?

Answer. No, sir; Amos Owens, Randolph Depriest, and Bill Depriest went up stairs.

Question. Where they all in the room up-stairs at the same time?

Answer. Yes, sir; all at the same time.

Question. Did Bill Depriest speak to you up there?

Answer. No, sir.

Question. Well, how did you recognize him?

Answer. I knew his eyes and his voice and his beard.

Question. How was he dressed?

Answer. He had a handkerchief over his face, I think, sir.

Question. Any other disguised?

Answer. I tell you I saw so many there I didn't notice all their faces nor their eyes. I thought they was going to kill father. I noticed some of their faces but not their appearance. I didn't notice their person as much as their eyes. But their voices and eyes I did.

Question. How large a room was that?

Answer. Just a common house, with just one room up-stairs.

Question. What did Amos Owens have in his hand when he went up there?

Answer. He had a gun in his hand. I didn't see anything but that. When he came in the last time he had a knife in his hand.

Question. How about Ben Gould?

Answer. He had nothing in his hand. If he had I don't recollect.

Question. How about Randolph Depriest?

Answer. He had a brush and William Depriest had a brush.

Question. Anything else?

Answer. If he did I don't recollect.

Question. How long after you heard the noise at the door was it that you went up into that room?

Answer. Just as quick as I could go across the house and go to the room.

Question. You are certain those men didn't have anything in their hands?

Answer. I don't recollect.

Question. How long had your sister been up there?

Answer. Nearly a half an hour.

Question. How large a room was it?

Answer. Just a common house, with one room up-stairs—no partition or nothing.

Question. What part of the room was the fire-place?

Answer. There's no fire-place up-stairs; it is down-stairs.

Question. Had your sister gone to sleep?

Answer. No, sir.

Question. She had been up there about a half an hour?

Answer. Yes, sir.

Question. Mrs. Ramsey, how did those men see you there in that room?

Answer. My mother said they went into the room first and came on up-stairs. I don't know how.

Question. When you went up in that room did you see your sister—when you first went up?

Answer. If I did I don't recollect it. I was so scared that I didn't know much of anything. I don't recollect.

Question. I want to know how you could have recognized Amos Owens, Ben Gould, Randy Depriest, and William Depriest up in that room?

Answer. They had a torch with them, in their hands, sir.

Question. Didn't you say that they didn't have anything else in their hands, and you said nothing but the gun. I asked you if Ben Gould or any of them had anything in his hand in the world but what you mentioned?

Answer. Yes, sir; but I was thinking of a weapon.

Question. Which one had the torch?

Answer. I don't recollect which, but one of them had it.

Question. You swear to the torch now?

Answer. Yes, sir; and my mother will swear to it, too.

Question. What kind of a torch was it?

Answer. A pine torch.

Question. They fetched the torch up-stairs?

Answer. Yes, sir; they did.

Question. How large a torch was it?

Answer. Just a common torch.

Question. Where did you see Doc. Fortune first, that night?

Answer. The first I see of him he was in the lane.

Question. How did you recognize him?

Answer. I knew his voice and his eyes.

Question. How was he disguised?

Answer. He had a handkerchief over his face.

Question. Where did you see Taylor Carson the first time?

Answer. Out in the lane.

Question. How was he disguised?

Answer. He had a rag over his face, too.

Question. Any other disguise on Taylor Carson except the rag?

Answer. His coat was turned wrongside-outwards.

Question. How about Olin Carson?

Answer. He had a white gown on, and said he was Depriest?

Question. He represented the ghost?

Answer. Yes, sir.

Question. Scott Toms?
Answer. He had his coat turned out.
Question. Amos Harrill?
Answer. I was not certain it was him.
Question. Sam. Biggerstaff?
Answer. He had nothing but a handkerchief over his face.
Question. Joe Wilson; how did you recognize him?
Answer. He had no disguise on at all.
Question. You say that Joe Wilson lives in Cleveland?
Answer. Yes, sir.
Question. How far from you does he live?
Answer. I don't know how far; I never was there.
Question. Was there any one else that you recognized in that crowd that night, except those that you have mentioned to the jury?
Answer. There was two men that I saw was not disguised, but I didn't know them. I have seen them since and knew them. I didn't know them then at all.
Question. I understand, then, that you say that you recognized there that night Amos Owens, Ben Gould, Bill Depriest, Doc. Fortune, Taylor Carson, Olin Carson, Scott Toms, Amos Harrill, and Samuel Biggerstaff, and then Randolph Depriest, who is not now on trial. Was there any other person that you recognized there that night?
Answer. Yes, sir; I believed, but I was not positive, to Tom Toms and Hall Martin. They was not up close to me; but I thought by their eyes and their voices it was them.
Question. What kind of night was it when you were there out in the lane?
Answer. It was a very light night; the moon was shining.
Question. How high was the moon?
Answer. About an hour and a half high.
Question. Just after this beating did you go to the town of Rutherford?
Answer. Yes, sir; on Sunday afterward.
Question. How long afterward?
Answer. I started Sunday morning—that happened Saturday night.
Question. The next day?
Answer. Yes, sir. On Monday morning I saw one man that was there.
Question. Did you see anybody in town?
Answer. I saw Judge Logan.
Question. Who was with you then?
Answer. Mr. Carpenter was in there.
Question. Did you apply to Judge Logan for any process of any kind?
Answer. I applied to him to get a home to go to.
Question. Was anybody else with you there at that time?
Answer. No, sir.
Question. Did you apply to him for a warrant?
Answer. I told him that those men were there.
Question. Did he issue a warrant upon the strength of your statement?
Answer. Yes, sir.
Question. Are you certain you were not sworn by Judge Logan on the day after this occurrence?
Answer. Yes, sir.
Question. You will swear to this jury, now, you didn't take an oath before Judge Logan the day after it occurred?
Answer. I am positive I didn't take any affidavit before Judge Logan.
Question. I ask you if you didn't make an affidavit on the 9th day of April, 1871, and Judge Logan didn't issue a warrant for the purpose of having some of these men arrested?
Answer. I told him them I knew, and he sent out a warrant for them.
Question. Did you see him write the warrant?
Answer. No, sir.
Question. Did anybody else inform Judge Logan except yourself?
Answer. I don't know, sir.
Question. Wasn't your father there, your mother there, your sister there, and your daughter there?
Answer. No, sir; none of them were there. My daughter is only eight years old.
Question. Didn't you inform Judge Logan that a man by the name of Julius Fortune was there?
Answer. Yes, sir; I said to the best of my knowledge he was there; but I was not positive.
Question. Are you certain that you mentioned that this man, Julius Fortune, was there?
Answer. Yes, sir; I know I did.
Question. You are satisfied about that?

Answer. Yes, sir.
Question. Did you state to Judge Logan that there was any other person there except Julius Fortune?
Answer. Yes, sir; I believe I did.
Question. Who else did you tell him was there?
Answer. Dan Fortune and Hall Martin.
Question. Who else?
Answer. And Lawson Teal, I believe.
Question. Did you tell him that Perry Gould was there?
Answer. Yes, sir; and he was there.
Question. Didn't you say just now that nobody else was there that you knew?
Answer. I said there was no other person there that I recognized.
Question. Didn't you tell the jury that there was no other person except those names you mentioned were there?
Answer. Yes, sir.
Question. Was Hall Martin there?
Answer. To the best of my knowledge, he was there.
Question. Was Daniel Martin there?
Answer. I believed it to be Daniel Martin, but was not positive.
Question. Was Perry Humphries there?
Answer. I don't know him.
Question. Wasn't Aleck McIntire there?
Answer. I was not positive; to the best of my knowledge.
Question. Did you state to Judge Logan that William Baber was there?
Answer. Yes, sir; I said to the best of my knowledge. I took it to be them.
Question. Did you see Bob Gould there?
Answer. Yes, sir. I can't say it was him, but Bob Gould's name was called, and a man answered to the name. I haven't seen him for a year.
Question. Did you state that a man by the name of William Covington was there?
Answer. Yes, sir.
Question. How did you recognize him as William Covington?
Answer. Because he had been to my house many times. He had some conversation with me that night. I thought it was him, but was not positive.
Question. Was he disguised?
Answer. Yes, sir.
Question. How was he disguised?
Answer. I can't tell you now, but he had some kind of a disguise over his face.
Question. Didn't you state to Judge Logan that James Biggerstaff was there?
Answer. No, sir; I didn't. If I did, I don't recollect it.
Question. I ask you to state to the jury was James Biggerstaff there?
Answer. I tell you, if he was, I don't recollect it.
Question. I ask you, did you or did you not state that John Calton was there?
Answer. No, sir; I didn't. I don't think I did.
Question. You are pretty well satisfied about that?
Answer. Yes, sir.
Question. I ask you if you stated to Judge Logan that Taylor Carson was there?
Answer. No, sir; I didn't; I don't think I did. But he was there.
Question. How was it you recognized Taylor Carson?
Answer. I knew his voice and his eyes.
Question. How do you remember after this lapse of time?
Answer. Because I was in so much trouble that I didn't recollect all that I did know of them.
Question. I understand you to say that your recollection is a great deal better now than it was immediately after this affair occurred?
Answer. Yes, sir.
Question. I understand you to state that you gave Judge Logan a great many names that you have left out this morning?
Answer. No, sir.
Question. You say, then, that you remember better this morning about Taylor Carson—better this morning than immediately after the occurrence?
Answer. I don't recollect any better now than I did the next morning. I tell you I never mentioned his name the next day.
Question. You say that John Calton was there that night?
Answer. He was there; but I didn't swear to it before Judge Logan.
Question. But you swear to him now?
Answer. Yes, I do.
Question. James Fortune, you say he was there?
Answer. No, sir; I never swore to him. I swore to Joe Fortune and Doc. Fortune.
Question. You say now that you didn't swear that James Fortune was there?

Answer. Some of the rest of the family may have seen him; I didn't see him. I didn't say he was there or wasn't there.

Question. Was Daniel Fortune there?

Answer. If he was, I didn't know him. He might and he mightn't have been.

Question. Was Alfred Early there?

Answer. Yes, sir; he was there.

Question. I ask you why it was that you didn't mention Alfred Early's name to Judge Logan?

Answer. Didn't remember then.

Question. Was Lloyd Early there?

Answer. Yes, sir; he was there.

Question. How do you remember to-day that he was there, when you didn't remember the day afterward before Logan?

Answer. I tell you I left Sunday morning, and they left Monday morning, and I don't know what they swore to in their affidavit.

Question. Was Joseph McDaniel there?

Answer. If he was there, I didn't know him. Some of the rest of the family might have known him.

Question. James McDaniel, you say you don't know whether he was there or not?

Answer. I believed it to be him.

Question. How about Joe McDaniel?

Answer. I didn't see him in the house to know him. If he was in the house I didn't see him.

Question. You swear now to a man that you took to be James McDaniel?

Answer. I believed it to be James McDaniel by his eyes and by his hair.

Question. You didn't remember that James McDaniel was there before Judge Logan the day after it occurred?

Answer. I might have remembered it, but I didn't have sense enough to put it in. I tell you I was in so much trouble I didn't know who to put in.

Question. Now Perry Humphries we talked to you about——

Answer. I don't know Perry Humphries.

Question. Are you certain you don't know him?

Answer. If I ever saw the man in my life I don't know it.

Question. You say that if you ever saw him that you don't know him? I ask you if you didn't on the 20th day of April, 1871, make an affidavit before Colonel Shaffer, United States commissioner?

Answer. If I did I don't know it. I don't recollect it, sir.

Question. Were you here in Raleigh about that time?

Answer. No, sir; I was not. I never was here until June.

Question. When you were here, then, did you go before Colonel Shaffer?

Answer. I went before no person but the grand jury. If I went before any other person I don't know it.

Question. Did you make an affidavit about the 20th of April before any person?

Answer. Some day I did.

Question. Before whom did you make that affidavit?

Answer. Before Mr. Bradley.

Question. What kind of an officer is he?

Answer. Justice of the peace.

Question. You did make an affidavit before Bradley in April?

Answer. I don't recollect the time.

Question. I ask you to state to that jury if you didn't swear before Mr. Bradley that one James Biggerstaff was there that night?

Answer. I might before Mr. Bradley, but not before Judge Logan.

Question. I ask you if you didn't state to that jury just now that you could not swear to James Biggerstaff?

Answer. I said to the best of my knowledge I believed it to be him.

Question. Didn't you state just now that you saw nobody there on the night of the 8th of April that you took to be James Biggerstaff?

(The witness did not answer.)

Question. I ask you if you didn't swear that Julius Fortune was there?

Answer. I don't know whether I did or not.

Question. I ask you if you didn't swear before Mr. Bradley that William Baber was there? How about that, Mrs. Ramsey?

Answer. I don't recollect if I did, or if I didn't I don't recollect.

Question. Did you see any man that night or before that looked like Mr. Brooks?

Answer. No, sir; I never swore to him. I never heard tell of such a man or never swore to any such name. I never heard the name before this morning.

Question. You tell that jury that you did not swear before Mr. Bradley that this man Brooks was there?

Mr. PHILLIPS. I understand, gentlemen, that that paper you hold is a mere copy. The copyist could not make out the name, and that was how it was.

Question. Was there a man by the name of Williams there?

Answer. If there was I never heard tell of it. I swore to a man by the name of Joseph Wilson, but never of Williams.

Question. I want you to state to that jury now, Mrs. Ramsey, how it was that you thought that you recognized Julius Fortune that night?

Answer. Well, he came up on the steps and stood in the door, and by his looks and his eyes I took it to be Julius Fortune.

Question. How far did he live from you?

Answer. About two miles.

Question. How did you see his eyes?

Answer. There was a good light, and he was standing there looking through his handkerchief.

Question. How long have you known him?

Answer. All my life.

Question. How did you recognize Perry Gould?

Answer. He came to me and he talked to me, and I recognized his voice.

Question. What did Perry Gould say to you?

Answer. I asked him not to kill father and he said that he hadn't promised to quit the radicals and vote the conservative ticket yet, and they wouldn't let him alone till he done that.

Question. Are you sure of that?

Answer. Yes, sir. We talked so much; but that was a part of the talk we had.

Question. You swear, then, to the jury that Perry Gould spoke to you about your father not voting the conservative ticket?

Answer. Yes, sir.

Question. How did you know Bob Gould?

Answer. I only knew him as they called his name, and when he was called he went to them.

Question. How long have you known him?

Answer. Ever since I can recollect.

Question. It was because he came when he was called that you recognized him as Bob Gould?

Answer. I said that they called Bob Gould and Bob Gould answered. That man went up.

Question. How did you recognize William Covington?

Answer. By his eyes and the talk we had.

Question. What kind of eyes did he have?

Answer. Black eyes.

Question. Where was it you saw him?

Answer. He had been at our house before.

Question. Where did you have this talk with him?

Answer. At home. He was standing at the fire drinking some water, and from a remark he made to me I took it to be Covington.

Question. Was there anything about the man's shape that put you in mind of Covington?

Answer. I don't recollect; I didn't notice the shape of the man.

Question. Was this man a tall man or a short man?

Answer. He wasn't one of the tallest nor one of the shortest men; he was a common size.

Question. How did you recognize Daniel Martin?

Answer. He was dressed different from any of the rest, and talked to me and my mother.

Question. Did you recognize him by his voice?

Answer. By his voice and by his eyes I took it to be Daniel Martin.

Question. What kind of eyes has Daniel Martin got?

Answer. He has got eyes between yellow and black.

Question. How did you recognize Hall Martin?

Answer. I believed it to be Hall just the same as the rest.

Question. Why?

Answer. Because his voice made me think so. He wasn't standing up close to me, but I took it to be him.

Question. What kind of eyes has he got?

Answer. Black eyes.

Question. How about Daniel Gould?

Answer. I believed he was the man that talked to my mother then. I saw his beard and saw his face. I believed it then and I believe it yet.

Question. You say that his mask was off?

Answer. Pulled up across this way—pulled up about half across his face.

Question. I ask you why you didn't swear before the grand jury that Daniel Gould was there?

Answer. Because they said he was deranged and was not right.

Question. Was he deranged then?

Answer. I can't say he is and I can't say he ain't. I talked with him, and he appeared as well as ever I saw him.

Question. You say Daniel Gould was there with the mask partly up from his face; now, I ask you why you didn't state that to the jury just now?

Answer. If you had called over the names I could have told you who I knew and who I didn't.

Question. What did Daniel Gould state there that night?

Answer. He called mother, and asked her if father hadn't always treated her amiss, and she said he hadn't; he was as good as he could be to her.

Question. Did they say anything about any apples or anything of that kind?

Answer. I didn't hear any talk of that kind at all.

Question. Did they say anything about brandy?

Answer. I never heard brandy mentioned.

Question. Aleck McIntire, how did you recognize him?

Answer. Because he came in and sat and talked, and I took it to be the same man that had been there before.

Question. You had seen him at that same place once before?

Answer. Yes, sir.

Question. This man that you testified to as Aleck McIntire just exactly put you in mind of the man that you saw before?

Answer. I took it to be him—more like him than any other man that I ever saw. I can't say it was him and I can't say it wasn't him.

Question. How did you recognize him?

Answer. By his voice and the way he talked.

Question. How about William Baber?

Answer. Because he stood there by the cupboard and talked, and I took it to be him.

Question. What was it that McIntire said?

Answer. He said that he intended to whip and kill everybody that had ever been a witness in the McGaha raid.

Question. How about Baber? What did he say?

Answer. He was talking there in the crowd, cursing—just cursing and taking on there in the house. I don't recollect what he did say.

Question. Did you see his eyes?

Answer. Yes, sir.

Question. What color did his eyes look?

Answer. Like they always did, I reckon.

Question. What colored eyes had he?

Answer. I believe his eyes look sort of a yellow.

Question. Mrs. Ramsey, I ask you if there was anything said about the killing of young Depriest at the time that your father was being whipped?

Answer. They asked me if my father didn't have a hand in it.

Question. Didn't they, at the time they were whipping him, say it was because he killed young Depriest?

Answer. If they did, I didn't hear them. They asked me if father didn't have a hand in killing Depriest, and I told them that he didn't, for he wasn't at home.

Question. Didn't they say they whipped him because he was the man that killed young Depriest?

Answer. If they did, I didn't hear them.

Question. How many of those men that night asked you if your father had a hand in it?

Answer. Randolph Depriest, Bill Depriest, and Amos Owens. Those three asked me, and I don't recollect any more.

Question. But those three men did talk about killing Depriest, and they asked you if your father didn't have a hand in it?

Answer. Yes, sir; I don't know what they said to me. There appeared to me to be another man in the crowd.

Question. Did you ever hear of Samuel Biggerstaff's house being shot into by anybody?

Answer. Yes, sir; I did.

Question. Did you hear that that night?

Answer. Yes, sir.

Question. Who was charged with doing it?

Answer. My father and another were charged with it, but he didn't do it.

Question. Was not Aaron Biggerstaff indicted at the superior court at Rutherford for having fired into Samuel Bigerstaff's house?

Answer. He was indicted for being in the crowd that done it.
Question. Didn't the jury convict him?
Answer. Yes, sir; they found him guilty.
Question. Didn't the crowd, that night, in your hearing, state that he was being whipped because he was the man that killed young Depriest, or that he was either the man or with the man that fired into the house and killed Depriest?
Answer. No, sir; McGaha was the man that shot into the house. I heard no such talk. I don't recollect of hearing one word of it.
Question. How long before this time was it that your father was accused of having shot into this house?
Answer. In February, a year before.
Question. What punishment was inflicted upon your father?
Answer. He was fined $20; that was all. He was fined that for being in the crowd with them.
Question. You testified that Alfred Biggerstaff was there that night?
Answer. I said he was there, and I think so yet.
Question. This Samuel Biggerstaff, is he the man into whose house the shot was made?
Answer. Yes, sir.
Question. Did he say anything that night?
Answer. Yes, sir; he was a-cursing and a-swearing.
Question. What relation is Randy Biggerstaff to Samuel?
Answer. He is Samuel.
Question. What relation is Barton Biggerstaff to Samuel Biggerstaff?
Answer. He is his son.
Question. I ask you if between Aaron Biggerstaff, your father, and Samuel Biggerstaff, his brother, there has not been an ill-feeling for a long time?
Answer. Samuel has differed from his brothers ever since I can recollect. He was a half-brother to the balance of them.
Question. Then your father was convicted by the jury for having fired into the house?
Answer. Not for firing into the house, but for being in the crowd.
Question. You say, then, that you swear that Samuel Biggerstaff was there, and Alfred and Barton, and they were cursing around?
Answer. I said so once.
Question. You say that that night these three men were there cursing around, and yet you say you didn't hear a single word drop from the lips of one about the shooting into Biggerstaff's house?
Answer. I didn't hear anything of the shooting in the house that night.
Question. The only thing you heard of was the murder of Depriest?
Answer. That was all.
Question. Is there any ill-feeling between your father and William Depriest?
Answer. Yes, sir; there has been, and is yet, I reckon.
Question. There was ill-feeling existing on the 8th of April, 1871, at the time of this occurrence?
Answer. There has been ever since the raid in the McGaha case.
Question. Did it begin by William Depriest's family?
Answer. They were said to be in the McGaha raid, sir.
Question. These men that you mentioned here as being there that night, I ask you to state to jury, whether they are not mostly, if not all of them, neighbors of Samuel Biggerstaff or William Depriest?
Answer. Some of them live around those two men, and some do not.

Redirect by Mr. PHILLIPS:

Question. Just state why you like to be called Norvill, and not Ramsey?
Answer. The reason why is this: I married a man named Ramsey, and he disagreed with my child so, and was so bad to her, that we parted. After we had parted, I heard that he had been married before, and his wife was still living.
Question. What county was he from?
Answer. Cleveland.
Question. This whipping last April by those persons confused you greatly, and you didn't get over it for some time?
Answer. I didn't get over it for three weeks.

TESTIMONY OF AARON V. BIGGERSTAFF.

Interrogatories by Hon. SAMUEL F. PHILLIPS:

Question. Mr. Biggerstaff, you live in Rutherford County?
Answer. Yes, sir.
Question. How old are you?
Answer. I am in my sixtieth year.

Question. I want you to tell the jury there about an attack that was made upon you last April, at your house. Was it in April?

Answer. Yes, sir; at night of the 8th.

Question. What time of night?

Answer. It was something like midnight.

Question. What road do you live on?

Answer. The Rutherford road.

Question. How far is the road off from your house?

Answer. About fifteen steps, sir.

Question. Well, sir, state where you were. What were you doing that night?

Answer. I was out, away that day, and it was 10 o'clock at night when I got home. They wanted me to eat some supper, but I didn't care for any, and went to bed feeling sore and sick with rheumatic pains. About midnight there came a quantity of disguised men, Ku-Klux, so called, to my house. They came to the door and bursted the lock and hinges loose from the facings. They entered the house and caught me by the hair of the head and dragged me out of bed and knocked me down at the door. I walked till I got out into the lane. There a quantity of them beat me some thirty or forty minutes, off and on—not regularly. They taken me back into the house and examined me. They said they wanted to see whether I could bear any more. Then they taken me back into the lane and they gave me seventy-five lashes across the shoulders with a small walking-stick. I never felt more than twelve licks, for they struck me so hard that my flesh was numbed and flew off sometimes with the blows. They cursed me all the time for being a leading republican, and called me a damned old radical. As they turned to go with me into the house I saw a large fire built up in the middle of the road and one man with a torch. They told me to go into the house, and I started to go into the house, but when I got to my door I fell there at the steps, and they helped me up and taken me in and laid me on the bed, and a man struck me on the breast with steel knuckles and bursted two of my ribs loose from my breast-bone. They cursed and abused me for about twenty minutes, and swore that they would kill me if I ever gave another republican vote, and then they left, sir.

Question. Did you see their faces?

Answer. Some I did and some I didn't.

Question. What did they say and do to you?

Answer. Well, I heard men at the door, and the house was full in a minute. As soon as they came in they caught me by the hair of the head and dragged me out of bed. I walked till I got into the lane——

Question. What did they do to you there?

Answer. They whipped me, sir; they whipped me with limbs of hickory and ash; they struck me with whips, I discovered the next day; they cut the blood from me; they whipped me all over from my head to my heels; they turned my clothes over my head and whipped me on the naked back. They whipped me a good while and wanted me to confess. They wanted to know about the raid on McGaha. They whipped me twenty-five or thirty minutes or more. They told me I should quit being a radical, a damned old radical, and said that I had sworn agin them. A part of them that was there that night had searched my house before for McGaha, and that was where I was a witness agin them.

Question. Where were you then?

Answer. It was at Rutherford, in March.

Question. Before whom?

Answer. The grand jury.

Question. What did you tell them when they said that?

Answer. I told them that I hadn't swore anything. I had been qualified, but hadn't sworn.

Question. Did they say anything to you when they came into the house?

Answer. They just came in the room a-cursing, and dragged me out by the hair of the head, calling me a damned old radical. They struck me in the face with their knuckles. I thought they had whipped me as long as they could, when they put me down by the fire and took me out again and give me six or seven strikes over the shoulder, which I didn't feel, for my flesh was perfectly dead. It sounded like striking a beef. I don't think they struck me but one lick after I was taken into the house the second time.

Question. They talked to you about the search of your house and about your politics?

Answer. Yes, sir. They said I took an active part in apprehending the men that Ku-Kluxed McGaha; which I did. McGaha sent for me, and I tried to get about. I was down with rheumatics then, and McGaha had sent for me to help hunt them up. They asked me about that.

Question. What did they say to you about that?

Answer. They said they intended to kill me for doing it. When they finished whipping me they started back into the house and asked where Holland was, and Hollyfield. They said that agin that time Judge Logan was dead and in hell, for they intended to

kill him. They said they intended to subdue the country in two weeks; they intended to put down the republican party in two weeks.

Question. Did they get any promise from you?

Answer. Yes, sir; they made me promise not to vote any more on the republican ticket.

Question. You promised it?

Answer. Yes, sir.

Question. What did they threaten to do with you?

Answer. They said they would kill me; that they intended to kill all the witnesses that swore agin them in the McGaha raid at Marion. I wasn't there, but they said they intended to kill all the witnesses.

Question. How long were they at your house?

Answer. Over an hour; maybe an hour and a half; I have no time-piece.

Question. Did they say anything to you about whether you recognized any of them?

Answer. Yes, sir. They continually jabbed me with knives and pistols, and asked, "Do you know me?" "Do you know me?"

Question. And did you recognize any of them?

Answer. Yes, sir.

Question. How were they disguised?

Answer. Some had on horns and false faces coming down to their throats. One or two had a squirrel-skin stuck up about their faces. They had it on when they came, but when they left there was nothing on their faces.

Question. How many were there?

Answer. When I went out into the lane there were fifty or sixty there, and the yard was full.

Question. What is the size of your house?

Answer. The room where I sleep is some fifteen or twenty feet square. It is more than twenty feet one way and a partition across the house.

Question. How many rooms up-stairs?

Answer. One room.

Question. Was your daughter, Mrs. Norvill, there?

Answer. She was.

Question. Did you see her out in the lane?

Answer. Yes, sir; she was some ten or fifteen feet from me.

Question. Was anything done to her?

Answer. Yes, sir; they whipped her.

Question. Did you see any marks on her person?

Answer. Yes; her face and shoulders were all black and blue.

Question. Did you recognize anybody there you would be willing to swear to?

Answer. Yes, sir. Amos Owens was there. I knew him by his voice. He was in the house cursing.

Question. How long have you known him?

Answer. I have known him very well for about twenty-five years. I bought my place from him.

Question. James Sweazey?

Answer. I judged him by his movements.

Question. How well do you know him? What is there peculiar in his movement?

Answer. I know him very well. He walks sort of sideways.

Question. Is his arm stiff?

Answer. Yes, sir.

Question. Who dragged you out of your bed?

Answer. John Wethrow, Amos Owens, and another.

Question. How did you know John Wethrow?

Answer. I have known him all his life. I knew his clothes.

Question. Jason Wethrow?

Answer. I knew him from his speech to me. He said he intended to whip me for the speech I made agin him at the trial.

Question. Who searched your house?

Answer. John Wethrow, Jason Wethrow, Scott Toms, Amos Owens, and some of the Fortune boys.

Question. How many were indicted for searching your house?

Answer. I don't know.

Question. Any of the Depriests?

Answer. Yes, sir. Adolphus Depriest was one of them.

Question. What was it that was said to you by the person that made you think it was Jason Wethrow?

Answer. He talks through his teeth, and lisps. He said they were going to whip me for swearing agin them at Rutherford.

Question. And John Calton?

Answer. Why I recollect about Mr. Calton is this: The second time when I was

knocked down somebody raised me up. I think it was Calton. I am pretty certain I recognized him. I was knocked down several times; two or three times, I think.

Question. What did they knock you down with?

Answer. Their fists, or a pistol, or something. They struck me on the head, and kicked my feet from under me. I certainly recognized Calton. I always thought he was a clever man, and liked him; and I wondered what he had against me. That was all. I won't say positively it was him, yet I think it was.

Question. Did you see him again afterward?

Answer. No, sir.

Question. Go on, sir.

Answer. I never saw him any more.

Question. Call some other names that were there.

Answer. I saw Adolphus Depriest.

Question. Any other Depriest?

Answer. His father, William Depriest.

Question. What was there about Adolphus that you recognized?

Answer. He had a sort of a tone to his talk, and a peculiar movement. I live within a mile of him, and have seen him ever since he was born.

Question. What was there about William Depriest that you knew?

Answer. It was his walk and his beard. He holds his arms a little off from the body.

Question. Was any other Depriest there?

Answer. Not to be positive of.

Question. Give another name.

Answer. Taylor Carson.

Question. Who is he?

Answer. He is William Carson's son.

Question. How old is he?

Answer. He must be from twenty to twenty-one.

Question. What is there about him?

Answer. Just his white head. He had a white cloth across his forehead. He is flax-headed. He walked just before me a few yards.

Question. What kind of a disguise did he have on?

Answer. Nothing, that I could discover, but a kind of white cloth over his forehead. I didn't notice his clothes.

Question. Anybody else?

Answer. Olin Carson was there. I knew him by his walk. I have known him all his life.

Question. What kin is he to Taylor Carson?

Answer. A cousin.

Question. How old is he?

Answer. About eighteen years of age.

Question. What was there about him that you recognized?

Answer. Just his walk. He lives just close by me, and I have seen him all his life.

Question. How far did he live from you?

Answer. A little over two miles, sir.

Question. Somebody else?

Answer. Mr. Scott Toms, or Leander, as some call him.

Question. What kind of a disguise did he have on?

Answer. Nothing more than a cloth over his face that I could notice. He was the one struck me in my breast—was the way I discovered him. He broke two of my ribs, and I looked to see what it was that he done it with. It was something black around his fingers—like a steel knuckle or something.

Question. What was there about him that you recognized?

Answer. I have known him all his life, and I know his figure and his walk. Well, I won't say all his life, but for several years.

Question. Who else that you recollect?

Answer. Well, I recollect my half brother was there, sir.

Question. What's his name?

Answer. Samuel Biggerstaff. As I was jerked out of the bed I took him to be the man that caught at me, or caught me, or tried. I might be mistaken, for I went with such a hurry I didn't have time to look at nothing.

Question. What kind of a disguise did he have on?

Answer. I think it was just a cloth over his face or head.

Question. Well, call somebody else.

Answer. Well, I took it to be Lawson Tell. He was a tall man. I was struck on my breast, and I looked up and I saw this man, and I took it to be him by his movement.

Question. What kin is he to William?

Answer. The brother. And he and Mr. McDaniels was off, if I ain't mistaken, some twenty or twenty-five feet from me. I discovered them just as I turned to go into the house. They had nothing on at all in the way of disguises.

Question. Did you see them do anything?
Answer. They didn't come up to where I was.
Question. What kind of a light did you have?
Answer. A pretty good light. The fire was built of light wood and burned good. These men had a torch.
Question. How high was the moon?
Answer. The moon was not over two hours high.
Question. What sort of a moon was it?
Answer. It was a new moon.
Question. What sort?
Answer. It was small. It was close by 10 o'clock, or a few minutes after.
Question. Well, you say the moon rose about what time?
Answer. Ten o'clock, sir.
Question. What kind was it?
Answer. Small. About two hours high. I think it was about 10 or some few minutes after. I went by the old almanac; that was all I had to go by.
Question. Who else do you recollect?
Answer. I don't recollect anybody else at this time.
Question. Did you see any Mr. Fortunes there?
Answer. Fortune's sons were there. His youngest and the oldest. I noticed them, for they sort of squatted as they went out of the door. The oldest was named Benjamin and the youngest James or Daniel, I won't say which.
Question. Any other Fortune there?
Answer. I don't recollect, sir.
Question. Any other Biggerstaff there?
Answer. I don't know of my own knowledge.
Question. Any Early there?
Answer. Yes, sir.
Question. Achilles Durham?
Answer. Yes, sir. As I turned around the first or second time to go into the house, I took it to be Mr. Durham was standing beside me. They had a very big light. I mistrusted it was him. I believed it to be him.
Question. What makes you believe that?
Answer. It was his beard, and a hat I have seen him wear.
Question. What kind of a disguise did he have on.
Answer. I don't know. But it didn't cover his beard. I took Joseph Wilson to be there. I looked at the man until I met him out.
Question. How old a man is he?
Answer. I expect, sir, he is twenty years of age.
Question. What did he have on?
Answer. Nothing on, sir. And the reason I paid attention to him was, he has a black beard, and when he shaves it makes his skin look blue.
Question. Was anybody there named Harrill?
Answer. I won't to say that I did see him. It might have been somebody else. He says, says he, "Now, raise your hundred radicals." We had a previous conversation; I used that expression. It happened this way: About two years ago they said they would fetch two negroes and thirty white men, and whip one hundred radicals, and I said I could raise them if I chose, and soon show 'em. I laughed at them.
Question. Sweazy, you saw him?
Answer. Yes, sir.
Question. Joseph Fortune?
Answer. Yes, sir.
Question. Daniel Fortune?
Answer. Yes, sir; that's the one I speak of.
Question. The youngest son of Mr. Fortune?
Answer. Yes, sir; I don't know what his name is to distinguish him.
Question. They came there, and took you out of your bed by the hair of your head?
Answer. Yes, sir.
Question. They beat you, knocked you down, beat you, and took you back into the house, staid there a little while, carried you out again, beat you, knocked you down several times—some of them went up and struck you with their pistols—wanted you to promise never to interrupt them or to vote a republican ticket again, and they whipped you for taking McGaha's part?
Answer. Yes, sir.
Question. This raid was by a disguised party of men?
Answer. Yes, sir.
Question. Do you know anything about the McGaha raid?
Answer. I know nothing about it, except what I stated before. That is what the men that was in the raid told me themselves.

Question. Was any of these defendants on the McGaha raid that you know of; did they say anything to you about it?

Answer. Nobody in the indictment. If they have confessed it I have not heard it.

Question. Did they say anything about the McGaha raid having been made by them?

Answer. That night?

Question. Yes, sir.

(Objected to, and Mr. Phillips said he would put the question in another form.)

Question. Was anything said?

Answer. They said I had tried to apprehend them and swear agin them.

Question. Swear against whom?

Answer. The party that I mentioned over, sir.

Question. These persons who were there charged you with having sworn against them?

Answer. That I had tried to apprehend them for the McGaha raid. They said that no witness should appear at Marion.

Question. Was McGaha a republican?

Answer. Yes, sir.

Question. A friend of yours?

Answer. Yes, sir.

Question. How far did he live from you at the time of the raid?

Answer. Maybe two and a half miles.

Cross-examined by Mr. STRONG, for the defense:

Question. You say it was about 12 o'clock at night?

Answer. Yes, sir; about.

Question. They jerked you out of bed, and carried you out in the road, and then they whipped you?

Answer. Yes, sir.

Question. Did they say they whipped you on account of being a radical?

Answer. Yes, sir.

Question. Did they not tell you they whipped you for having something to do with the killing of young Depriest?

Answer. No, sir; it was for protecting McGaha for killing Depriest, and for hunting the Ku-Klux.

Question. Did they use the name Ku-Klux?

Answer. Yes, sir; they called me a Ku-Klux for hunting them up.

Question. Didn't they tell you they whipped you partly on account of having shot into your brother's house?

Answer. They never mentioned it, that I know of. If they did I don't recollect it. McGaha shot into the house.

Question. You were not with him at the time?

Answer. No, sir; I was back of him some sixty or seventy yards when the gun was fired, down behind the hill.

Question. Didn't they accuse you, at any rate, of being a party to that matter, and didn't they tell you so?

Answer. If they did I don't recollect it.

Question. McGaha fired into your brother's house?

Answer. That's what they said.

Question. You weren't there yourself. Who were in the crowd?

Answer. Myself and young Toney was walking together, and Holland and McGaha's son and Ben Biggerstaff's son. There were six or seven of us. I told McGaha if that was the way he was doing I wouldn't go any further. That was after he shot.

Question. What were you all doing?

Answer. Been tracking them up—these men that had been after McGaha.

Question. Weren't you tried for that very thing?

Answer. Yes, sir; I was accessory to McGaha in the raid. I was convicted for being with him.

Question. Didn't you have a gun that night?

Answer. I had my rifle.

Question. Did you make any use of it?

Answer. I toted it in my hand.

Question. How many shots were made in the house?

Answer. McGaha shot his pistol and his rifle.

Question. Didn't you break the door down yourself?

Answer. No, I didn't; I wasn't within seventy-five yards of it. I can prove that by Mr. Toney.

Question. Mr. Biggerstaff, you say that Mr. Owens was there?

Answer. Yes, sir; he was the first one that came into that house. They all made a dash, and they all came in, in a bunch, together; that is, as many as could get in at the door.

Question. What did Owens do?

Answer. He with them all taken hold of me. The house was full in a moment, and as many as could take a hold of me did so. There were a chunky young man took a hold of me that I took to be Jim Sweazy.

Question. What did they do with you?

Answer. They dragged me out.

Question. What did Owens do?

Answer. Whipped me with his left hand.

Question. How did you know that was Owens?

Answer. I knew him by his voice, walk, and everything else.

Question. You cannot be mistaken as to the fact that Owens, this young Sweazy, and a man you don't know seized you immediately? Owens and Sweazy were the first?

Answer. Yes, sir.

Question. You know that he whipped you in the lane?

Answer. Yes, sir.

Question. Did Owens come back with you into the house?

Answer. I think he did.

Question. Then you laid down?

Answer. Yes, sir; I laid upon the bed against my wife.

Question. How was Owens disguised?

Answer. Well, he had on one of those false-faces. You have seen many a one, I reckon. That was all I noticed. He might have had something on his body, but I never noticed one of their bodies.

Question. You say you saw Olin Carson?

Answer. Yes, sir.

Question. How was he disguised?

Answer. He had a white something around his face.

Question. Was he disguised in any other way.

Answer. If he was, I didn't notice. I didn't see but one hunting-shirt on while I was there He might have had it on his body; I never noticed.

Question. Where did they first speak to you about quit being a damned old radical?

Answer. Out in the lane.

Question. Not in the house?

Answer. If they did, I don't recollect.

Question. Were any of them dressed in women's clothes?

Answer. I didn't notice.

Question. Wouldn't you have noticed if that had been so?

Answer. I hadn't time to.

Question. Did you have time to notice coming back into the house?

Answer. I was in so much misery that I noticed scarcely anything.

Question. Did you say Alfred Biggerstaff was there?

Answer. He might have been there, but I wouldn't be positive as to Alfred Biggerstaff.

Question. They told you that Judge Logan was dead and in hell?

Answer. They said by this time to-night he is dead and in hell.

Question. Are you sure that they told you that you shouldn't vote any more on the republican ticket?

Answer. Certainly I am.

Question. Who told you that?

Answer. Those men out in the lane.

Question. Who said that to you?

Answer. I don't know who it was; they wouldn't let me turn around.

Question. Did you see any skins of any animals that evening?

Answer. Yes, sir; I saw one or two squirrel-skins or sheep-skins as I was laying on the bed.

Question. How was Sweazy disguised?

Answer. He had on a red false-face.

Question. Mr. Biggerstaff, you say that Achilles Durham was there that night?

Answer. Yes, sir; to the best of my knowledge.

Question. How did you know him?

Answer. Well, he wore a high bell-crowned hat and he had a long beard.

Question. Did you think that you knew him that night?

Answer. I took that to be him.

Question. Did you ever make an affidavit before Judge Logan?

Answer. No, sir; I think not.

Question. Didn't you, on the 22d of April, 1871, in Rutherford, make an affidavit before Judge Logan?

Answer. No, sir.

Question. Did you go before any other officer, or anywhere else?

Answer. There was an officer came down to my house. Squire John Bradley came down to my house?

Question. Are any of these the names you put in that affidavit—Lawson Sweazy, Lawson Teal, and so on?

Answer. Yes, sir.

Question. These are the names you gave?

Answer. Yes, sir.

Question. Didn't you give these in addition to those your daughter had given in?

Answer. I don't know what names my daughter gave. I didn't ask her.

Question. Who did you give them to?

Answer. Judge Bradley, sir.

Question. Is that all the names you mentioned to him.

Answer. I mentioned all the names over to him, and I told him.

Question. Who executed that warrant that you got?

Answer. I don't know, sir.

Question. Didn't Mr. McFarland execute as deputy marshal?

Answer. I don't know.

Question. As deputy sheriff?

Answer. I don't know who executed it. I was confined to my bed.

Question. Why didn't you put the name of Achilles Durham in this warrant?

Answer. I don't know what is the reason it was not put in.

Question. What names did you swear to? Did you swear to Achilles Durham?

Answer. To the best of my knowledge.

Question. How did it happen?

Answer. I can't tell you; I was in a dream-like state from my injuries.

Question. How long was it after it happened before you made the affidavit?

Answer. It must have been the next week. I can't recollect how long it was.

Question. Why didn't you mention Joe McDaniel's name to Bradley? He was there.

Answer. To the best of my knowledge he was off some twenty or twenty-five feet from me. I don't know why I didn't mention his name to the commissioner.

Question. James H. McDaniel was there?

Answer. Yes, sir.

Question. Why didn't you mention his name to the commissioner? Why didn't you inform on him?

Answer. I don't know.

Question. I understand you to say that the only reason that you recognized Amos Owens was from his voice?

Answer. Yes, sir; from his voice, actions, movements, &c. He can out-curse any man you ever saw. He has a peculiar way of laughing, too.

Question. You say that James Sweazy was there?

Answer. Yes, sir.

Question. Mr. Biggerstaff, I understand you to say that at the time that this took place there was a man that you took to be Achilles Durham.

Answer. Yes, sir.

Question. Haven't you told Hall Martin, while you have been down here, that you thought it was him?

Answer. No, sir; I didn't. That was my daughter.

Question. You never told him that at any time?

Answer. No, sir.

Question. Well, now, you say that you know James Sweazy?

Answer. Yes, sir; I have known him for forty years. I knew him from his voice and movement.

Question. Did he have on any disguise?

Answer. Yes, sir.

Question. What kind of a disguise?

Answer. A red-looking false-face. It comes across the front of the head.

Question. Did he have any horns?

Answer. I reckon he did. They all had horns except those who had the white things across the forehead and the squirrel-skins.

Question. What did Sweazy say?

Answer. He was there rearing about; cursing and ripping about. I can't tell what he said particularly.

Question. Who do you say took you out of the bed, sir?

Answer. Owens, Wethrow, and that other man—that big man.

Answer. I don't know, sir, only from report.

Question. How did you say it was that you recognized James Sweazy?

Answer. I knew him by his coat, by his movements, and he had a false-face on.

Question. What sort of a face did he have on?

Answer. Well, I can't tell; I can't describe it; you have seen 'em many a time. I

have one up home. If I had thought you would ask me that question I should 'a brought it down to show you.

Question. How long have you known him?

Answer. These forty years.

Question. The only way you recognized Jason Wethrow was from what he said and his walk?

Answer. Yes, sir.

Question. What sort of a disguise did Jason have on?

Answer. Well, it was much about like the rest. He had on a Ku-Klux horn. I don't know what color it was.

Question. How did you recognize Adolphus Depriest that night?

Answer. He didn't have a false-face on. He had a white cloth over his face.

Question. You didn't see his face?

Answer. No, sir.

Question. Just by his walk, then, and movement?

Answer. Yes, sir.

Question. You say you saw John Calton as you rose a second time?

Answer. Yes, sir.

Question. You are not positive as to him?

Answer. No, sir; I am not.

Question. Was William Depriest disguised?

Answer. Yes, sir.

Question. What sort of a disguise?

Answer. A white cloth over his face.

Question. You didn't see his face at all?

Answer. No, sir.

Question. Did he say anything to you?

Answer. He didn't say but one word. They were whipping me and he told me to stand still.

Question. Did he have on anything else?

Answer. Not that I noticed.

Question. Was Taylor Carson disguised, sir?

Answer. He had a white cloth over his face. He is a flat-headed fellow.

Question. Olin Carson?

Answer. He had a cloth over his face. I didn't see his face.

Question. How did you recognize him?

Answer. I knew his movement.

Question. Leander Toms had a cloth over his face?

Answer. Yes, sir.

Question. How did you know him, now?

Answer. Knew him just by his movement.

Question. Did you see his eyes?

Answer. I don't recollect as I seen his eyes.

Question. Could you tell any of those men by seeing their eyes?

Answer. I didn't notice the eyes only. He hadn't any disguise on his face when he left.

Question. You thought Samuel Biggerstaff was there, but you might be mistaken?

Answer. I might be.

Question. How did you know him?

Answer. I have lived long enough with him to know him.

Question. Was he disguised?

Answer. He had something over his face.

Question. What made you think it was your brother?

Answer. I don't know what made me think so. I thought so then and I think so now.

Question. There was a man there that you took to be Lawson Teel. Had he a disguise on?

Answer. He had horns on. I looked to see whether it was William or Lawson. William limped a little in his walk. I might be mistaken.

Question. How was Lawson Teel disguised?

Answer. He had horns.

Question. Did you see his face at all, sir?

Answer. I never noticed. I was in so much misery I didn't know what I was doing.

Question. When these men dragged you into the house, did they drag you in with a light in their hands?

Answer. No, sir; we had a big light in the house. The old lady was sitting up reading. She was very uneasy that night.

Question. Was Benjamin Fortune disguised?

Answer. No, sir; I think not. He is a mighty easy talking young man. He stutters.

Question. The youngest boy—was he disguised?
Answer. Another one. One of the younger sons stooped down, and he pulled up his coat collar, and I saw his face. He was the youngest one, I think, sir.
Question. Was Mr. Wilson disguised?
Answer. Not at all, sir. If he was, I didn't see it.
Question. As to him you cannot be mistaken?
Answer. It might be possible.
Question. How far does Mr. Wilson live from you?
Answer. I expect it is five or six miles, sir.
Question. How long have you known him?
Answer. I have known him, sir, about twelve years.
Question. You know him very well?
Answer. Yes, sir.
Question. There was a bright light there, you say, and he was not disguised?
Answer. Not when I saw him.
Question. Do you think you could be mistaken about it, sir?
Answer. I don't think I am, sir.
Question. You are not positive as to Mr. Durham?
Answer. No, sir.
Question. Was Joseph Wilson disguised?
Answer. That was the young man we were talking about just now.
Question. You spoke of Mr. Harrill. Which Harrill was that?
Answer. Mr. Amos Harrill.
Question. Was he disguised?
Answer. If he was I didn't notice it.
Question. Did he have anything in his hand?
Answer. Well, if it was Mr. Harrill, he had a gnn in his hand, or the stock of a gun. It must have been a gun. I cannot say exactly what it was.
Question. How many Ku-Klux were there in the crowd?
Answer. I cannot tell you that. I am not going to undertake to tell you that, where there are a hundred or more men.
Question. Whereabouts did you see Harrill?
Answer. As I went to the door.
Question. When you went out or in?
Answer. When I went in the last time.
Question. That was after all the beating was over?
Answer. Yes, sir.
Question. That was when you saw him?
Answer. Yes, sir.
Question. Mr. Biggerstaff, was anything said about the convention at that time?
Answer. Well, sir, if there was I have forgotten.
Question. Mr. Biggerstaff, where were the horses? Did any of these men have horses there?
Answer. Yes, sir.
Question. Where were they hitched?
Answer. At the left hand of the gate as I went out. They were hitched as you go from my door into the barn.
Question. How far was it from the gate?
Answer. It was further than from here to that gentleman. [About twenty feet.]
Question. Did you see them get on their horses and go off?
Answer. No, sir; I was lying on my bed. I heard the noise, though.
Question. Did you recognize any of the horses?
Answer. Yes, sir; there was a mare of James Sweazy's there.
Question. What kind of a mare, sir?
Answer. A black mare, sir.

Redirect, by Mr. PHILLIPS:

Question. Mr. Biggerstaff, in what condititon of mind and body were you at the time when that examination was made and affidavit taken by Mr. Bradley?
Answer. Well, sir, I was alive, and that was about all. I recollected them a-coming, but I didn't recollect when they went away.
Question. How long was it after the beating?
Answer. Well, it was a week.
Question. Were you likely to die?
Answer. I think I was, sir. I could not lay down; they had to prop me up.
Question. How long were you in that condition?
Answer. I cannot put on my clothes yet myself. I lay that way for three weeks or more.
Question. What is your opinion about Mr. Harrill being there?
Answer. From the language we had it made me think that was him.

Question. Did you think he was there?
Answer. That was my opinion.
Question. You only thought he was there from his language?
Answer. I could not have told except from what he said; I only identified him from what he said.

TESTIMONY OF PINCKNEY TISDALE.

Interrogatories by counsel for United States, (Mr. PHILLIPS:)

Question. Mr. Tisdale, where do you live?
Answer. In Cleveland County.
Question. What is your age?
Answer. Little past twenty-one years old.
Question. Do you belong to the Invisible Empire?
Answer. Yes, sir; I did belong to it.
Question. How long have you belonged to that organization?
Answer. I joined it last December, as well as I can recollect.
Question. Did you take the oath?
Answer. Yes, sir.
Question. What did you swear to do?
Answer. Well, I can't recollect now just all of it. I was sworn to obey my chief, to protect all my brothers, orphans, and widows.
Question. Who initiated you?
Answer. Sidney Wright.
Question. Whereabouts?
Answer. At Andy Ford's. He was present, and Puntsey Prior was present.
Question. Was it a long oath, sir?
Answer. No, sir, a very short one.
[Counsel then read the oath of the Invisible Empire, as follows:]
"I, before the great immaculate God of heaven and earth, do take and subscribe to the following sacred binding oath and obligation: I promise and swear that I will uphold and defend the Constitution of the United States as it was handed down by our forefathers in its original purity. I promise and swear that I will reject and oppose the principles of the radical party in all its forms, and forever maintain and contend that intelligent white men shall govern this country. I promise and pledge myself to assist, according to my pecuniary circumstances, all brothers in distress. Females, widows, and their households shall ever be specially in my care and protection. I promise and swear that I will obey all instructions given me by my chief, and should I ever divulge, or cause to be divulged, any secrets, signs, or passwords of the Invisible Empire, I must meet with the fearful and just penalty of the traitor, which is death, death, death, by the hands of the brethren."
Question. Did you ever hear that before?
Answer. Yes, sir; I heard that since I came here; I never heard all of it—the last I only heard since I came here.
Question. What about the secrets?
Answer. I was sworn to keep them or be put to death.
Question. You were sworn to obey your chief; anything said about the radical party?
Answer. No, sir, not when I was sworn.
Question. Anything told you afterward?
Answer. It was afterward they told me it was to put down the radical party.
Question. Was the oath read to you or given to you by word of mouth?
Answer. It was given to me by word of mouth.
Question. Who told you anything concerning the radical party in that organization?
Answer. Well, I don't know as I can tell.
Question. Did you ever hear anything about the object of it in any meeting?
Answer. I never was in any regular meeting.
Question. Who did you ever hear speak about it?
Answer. Dr. James Oliver Martin.
Question. He belongs to it?
Answer. Yes, sir.
Question. Who else; was Martin an officer?
Answer. No, sir, he was no officer. Marion Horde was chief.
Question. What did you call your meeting?
Answer. We only called them the Ku-Klux Dens.
Question. Horde was chief?
Answer. Yes, sir.
Question. Give me another name?
Answer. I don't think anybody else ever told me that.
Question. Were you in the raid on Biggerstaff, sir?

Answer. Yes, sir; I was on it.

Question. How came you to go?

Answer. Marion Horde sent me word to meet him somewhere that night. I told him I couldn't come; he met me the next day and told me I had to go.

Question. Has he left home?

Answer. Yes, sir.

Question. When did he leave?

Answer. Directly after the election.

Question. Did Mr. Horde go on the raid?

Answer. Yes, sir.

Question. Did I understand you to say you never went to any meeting?

Answer. Yes, sir; I only went on the raid.

Question. Did you go when Horde told you you must?

Answer. Yes, sir.

Question. What part of Cleveland do you live?

Answer. Toward the Rutherford line.

Question. How many went with you?

Answer. I can't tell you, sir, exactly, how many; it was said over two hundred.

Question. Did they all go from Cleveland?

Answer. No, sir.

Question. Where did the rest come from?

Answer. I don't know where they came from; they came in on the road. I believe the rest came in from Rutherford, at Mr. Glover's.

Question. What did Horde say you were going for?

Answer. To whip Biggertaff for assisting McGaha in killing Depriest.

Question. What had Depriest been killed for?

Answer. I don't know, sir.

Question. What did he say?

Answer. I don't know, sir, what he said.

Question. Was Depriest a member of the order; did he say that?

Answer. Yes, sir.

Question. He was a member of the Invisible Empire?

Answer. Yes, sir.

Question. McGaha had killed a member of the Invisible Empire, and they were all coming up there to whip Biggerstaff for killing a member. Mr. Tisdale, you say you went on the raid with about two hundred, and some joined you in Rutherford county?

Answer. Yes, sir; the whole crowd was about two hundred.

Question. Will you tell who went with you?

Answer. Yes, sir, I think I have the names written down; I will give them. These are the names of those who went with me: Marion Horde, Pink Cabins, George Cabins, John Wiley, Frank Wiley, Anderson Williamson, Lafayette Williamson, Harrison Eskridge, John McKey, Web. Eskridge, Perry Gould, Amos Owens, Tom Covington, Tom Tucker, Mike Grigg, John Grigg, Mike Crowder, John Powell, Jake Magnus, Rufus Magnus, Bill Sutherland, Bill Horn, George Parker, Dick Covington, Richard Horde, Sam Wethers.

Question. Are they all members of the Invisible Empire?

Answer. I suppose so, or they wouldn't have been on the raid.

Question. Mr. Horde told you there was to be a raid; who did he say the raid would be by?

Answer. He was the chief and the manager of the raid, and the raid was to be by the members of the order.

Question. When he ordered you to go out on the raid, how did he order; in what character?

Answer. Well, he sent me word by Mike Grigg to come for that purpose—to go help whip Biggerstaff that night. I told Grigg I couldn't go. I went over to Fortenbury, and he told me I had to go, so I went.

Question. Did you go in disguise?

Answer. Yes, sir.

Question. How was the party in that respect?

Answer. Most of them were disguised.

Question. What kind of disguises?

Answer. Well, I can't tell you, sir; some out of paper; some out of cloth, with horns.

Question. Did you see that disguise they had—that Mr. Downey had in court; was it anything like that?

Answer. Yes, sir.

Question. Did you know any of the persons that came out of Rutherford to go along?

Answer. I didn't know but Mr. Owens; he was down in Cleveland. Perry Gould, he was along.

Question. Was any one else along?

Answer. Yes; Ben Gould.

(Ruled out, it being objected to.)
Question. Did you know any Depriest in Rutherford; any Fortune in Rutherford?
Answer. No, sir; I didn't know any of them until I came here.
Question. Did you know Harrill?
Answer. Not until after that happened; after that happened I met him and the rest.
Question. How many were out of Cleveland, according to your judgment?
Answer. I can't tell you.
Question. How far was it from your place to Biggerstaff's?
Answer. About twelve miles.
Question. Did you come by Cherry Mountain?
Answer. No, sir; I went right up the Rutherford road. We went up to Mathew Crowder's, and then they sent us up by the Johnson's place.
Question. Did you come by Amos Owens's at all?
Answer. No, sir.
Question. How far did you live that way?
Answer. I don't know, sir. Mr. Owens was along that night; he was down below; he knew everything that took place.
Question. Did you know James Sweazy?
Answer. No, sir.
Question. Did you know Jason Wethrow?
Answer. Yes, sir; but, if he was along that night, I didn't see him.
Question. Did you join Calton?
Answer. No, sir.
Question. Did you know William Depriest?
Answer. No, sir.
Question. Adolphus Depriest?
Answer. No, sir.
Question. Joseph Depriest, Taylor Carson, Olin Carson, Benjamin Fortune, Thomas Fortune, Daniel Fortune, Leander Toms?
Answer. No, sir.
Question. When you got to Biggerstaff's, what took place?
Answer. Well, sir, I don't know; they left some of us behind to help hold the horses and a great many that didn't hold the horses.
Question. How many staid behind?
Answer. I can't tell you, sir.
Question. Did you stay in the big road?
Answer. Yes, sir.
Question. Didn't you stop there as a part of the plan?
Answer. We stopped there to hold the horses; some went on and some staid.
Question. You didn't see what was done at the house?
Answer. No, sir.
Question. How long were you there?
Answer. Something like an hour or an hour and a half, or maybe longer.
Question. About what time did you leave there?
Answer. I can't tell, sir.
Question. Did you hear anybody's name called that night?
Answer. Yes, sir; when we came back to Mr. Allen's they gave several names there; they called James Sweazy and some others to come up and get a drink, and they all answered and went up and got a drink.
Question. You didn't know Mr. Sweazy?
Answer. No, sir.
Question. All you have to say, then, is that a name was called and a man went up?
Answer. Yes, sir.
Question. What other names that are not in this list that you gave?
Answer. Well, I don't know as I heard any other name in that night.
Question. You can give another name; come, one now?
Answer. I can't give none but what I have given in. A part of us went off then and we turned to the road at Allen's, and left the crowd down there. I have given all the names I know and all the names I heard there that night, and I have told all I can tell, sir.

Cross-examination, by STRONG, of defense:
Question. You say you came from Cleveland?
Answer. Yes, sir.
Question. Did you come with the main crowd?
Answer. Not all the way.
Question. Did you come by the Johnson place?
Answer. Yes, sir; they sent us from Mathew Crowder's up to the Johnson place, and then we went up to the road.
Question. Who were with you?

Answer. I don't know as I can tell, sir.
Question. Did many go with you?
Answer. Not very many.
Question. Tell who were with you.
Answer. Mike Crowder, John Grigg, Mike Grigg, Rufus Magnus, and Web. Eskridge, and the other names I gave in.
Question. Why did they go up to the Johnson place?
Answer. Well, sir, they sent us there for some others—two others.
Question. Who were they?
Answer. Web. Eskridge and Rufus Magnus; they were at the Johnson place.
Question. Which way did the men——?
Answer. I can't tell you; they met us a few miles above there.
Question. Did they meet you at Allen's?
Answer. They were coming in all along the road. I can't tell you whether it was at Allen's or not. They were filing in all along the road up to Mr. Glover's.
Question. You say you are a member of the Invisible Empire?
Answer. Yes, sir.
Question. How did you happen to be testifying here now?
Answer. Well, I was taken up on a warrant and carried to Rutherford jail, and I came up and told all I knew.
Question. Haven't you been promised you would not be prosecuted if you testified here?
Answer. No, sir; there was a man of my own country told me it was best to give up.
Question. Has no officer ever told you that, sir?
Answer. No, sir.
Question. Has the officer of the Government told you so—the district attorney?
Answer. No, sir; I don't know him.
Question. Were you ever down here as a defendant or as a witness?
Answer. I was down here.
Question. You were released from custody?
Answer. Yes, sir.
Question. And you came to testify?
Answer. Yes, sir.
Question. Haven't you had any conversation with any person here about testifying against the defendants?
Answer. No, sir.
Question. You have been examined privately as a witness, haven't you?
Answer. Yes, sir; I went and gave all the names.
Question. Who did you give all the names to?
Answer. I gave them to the grand jury and told Mr. Carpenter.
Question. Did he tell you it would be better for you to tell all about it?
Answer. No, sir.
Question. Haven't you talked with any of the attorneys about this matter?
Answer. No, sir; I never knew any of them.
Question. I understand you to say that you heard that Horde said you were going to whip Biggerstaff for assisting in killing Depriest?
Answer. Yes, sir.
Question. Depriest was a member of the Empire?
Answer. Yes, sir.
Question. Are you certain it was James Sweazy you heard called?
Answer. Yes, sir; his name was called and some one answered to the name; they told him to come up and take a drink, and he got off his horse and came up and took a drink.
Question. Ain't there a large family of Sweazys there?
Answer. I have heard of the name of Sweazy, but I don't know, sir, whether they are there.
Question. Are you still a member of the Invisible Empire?
Answer. I haven't had anything to do with it since the 8th of April.
Question. How happened you to quit right off?
Answer. I never was in favor of it, anyhow.
Question. Why did you join?
Answer. I was compelled to join it. I was talking about some one who had been beaten; they fell out with me on that account, and I was afraid of being whipped too, so I joined it.
Question. Who threatened to whip you?
Answer. I don't know who it was.
Question. Was the reason you thought you were going to be whipped?
Answer. Well, I heard they were going to whip me that night, and I was afraid they would do it, and I left my mother's about sundown and went off. As I got some way

up the road I heard that they had whipped a black man and were moving down my way.

Question. Were you afraid of being whipped yourself?

Answer. Yes, sir.

Question. That's the reason you joined?

Answer. Yes, sir. They went to my house one night to whip me.

Question. How do you know that?

Answer. They broke the door down, and there was a black boy there who saw them.

Question. How long were you in it?

Answer. I joined it in December, but I had nothing to do with it until the 21st of March.

Question. Were you about to go on a raid then?

Answer. Yes, sir.

Question. And did you go on the raid?

Answer. Yes, sir.

Re direct examination, by Mr. PHILLIPS:

Question. What raid did you go on on the 21st of March?

Answer. The raid on Mr. Whistnant.

Question. Why did you raid on Mr. Whistnant?

Answer. We raided on him because he was living in adultery. We took him out and struck him some twenty-five blows.

Question. Well, sir, when you were about to go on this raid, did Marion Horde give you any reason why you ought to go on the raid?

Answer. Yes, sir.

Question. He told you that if you did not go on the Biggerstaff raid you would be whipped yourself?

Answer. Yes, sir.

Question. Did you hear any of the names of these parties you have given called that night?

Answer. No, sir; if they were I never heard.

Question. Any Depriest or any Fortune?

Answer. No, sir.

Question. Was Whistnant a republican or democrat?

Answer. I don't know, sir.

Question. Didn't you know that he was a member of the order?

Answer. He told me one time he was.

Question. Who did he live with in adultery?

Answer. I don't know, sir.

Question. Was he a member of the order then?

Answer. I don't know, sir; he told me once before he was a member.

TESTIMONY OF JOSEPH FORTUNE.

Interrogatories by counsel for the United States, (PHILLIPS:)

Question. Are you a member of the Invisible Empire?

Answer. Yes, sir.

Question. How long?

Answer. I joined in 1869.

Question. Were you on the McGaha raid?

Answer. Yes, sir.

Question. Who went on that raid with you?

Answer. There was Alex. McIntire, James Sweazy, Bill McIntire, Alfred Sweazy, Decatur Depriest, Olin Carson, Julius Fortune, Lawson Teel.

Question. Some other names?

Answer. I don't know as I can recollect any other; Adolphus Depriest.

Question. Any other Depriest?

Answer. No, sir.

Question. Any Wethrow?

Answer. No, sir.

Question. Any other Carson?

Answer. No, sir.

Question. How many were along on that raid?

Answer. I think there were nine.

Question. Well, were they members of the Invisible Empire?

Answer. I reckon so.

Question. Don't you know?

Answer. They were at the meeting that night.

Question. How long had you been a member then?

Answer. I joined that night. I was sworn in that night.
Question. Listen to this. [Reads the oath of the Invisible Empire, as before.] Did you ever hear that before?
Answer. Yes, sir.
Question. What is it?
Answer. That is the oath of the Invisible Empire.
Question. That's the one you took?
Answer. Yes, sir.
Question. You were sworn in that night?
Answer. Yes, sir.
Question. Who was the chief then?
Answer. Decatur Depriest.
Question. What has become of Decatur Depriest?
Answer. He is dead.
Question. Who is said to have killed him?
Answer. James McGaha.
Question. Where is McGaha.
Answer. I don't know, sir.
Question. Have you been in regular connection with the Invisible Empire since the McGaha raid?
Answer. Yes, sir.
Question. In what Den were you?
Answer. They called it the Cherry Mountain Den.
Question. What were the officers of that Den called?
Answer. Chief——
Question. He is the head-man?
Answer. Yes, sir.
Question. Anybody after him?
Answer. Grand Monks, I believe.
Question. Any other?
Answer. Not as I know of.
Question. Who was Grand Monk up there?
Answer. They appointed me for one and Jim Gaddis.
Question. Two Grand Monks?
Answer. Yes, sir.
Question. What did you do?
Answer. We never done anything.
Question. That's the Cherry Mountain Den you speak of?
Answer. Yes, sir.
Question. Were you ever at the meeting of any other Den?
Answer. I was at the Burnt Chimney Den.
Question. Who was the chief of that?
Answer. It was said that Mat McBrier.
Question. Amos Owens; was he a member of the Invisible Empire?
Answer. Yes, sir.
Question. James Sweazy?
Answer. Yes, sir.
Question. Jason Wethrow?
Answer. Yes, sir.
Question. John Calton?
Answer. I don't know anything about him; only he was there one night when a man was sworn in.
Question. Did you allow anybody else except the brothers to be present?
Answer. I never knew it.
Question. William Depriest?
Answer. I saw him at a meeting one night.
Question. Adolphus Depriest?
Answer. Yes, sir.
Question. Joseph Depriest?
Answer. I don't know him.
Question. Taylor Carson?
Answer. Yes, sir, he did; he was sworn in.
Question. Olin Carson.
Answer. Yes, sir.
Question. Benjamin Fortune?
Answer. Yes, sir; he was on a raid we made one night, but he said he never was sworn in though. That was the raid on Mr. Justice.
Question. James Fortune; did you know him?
Answer. Yes, sir.
Question. Was he a member?

Answer. Yes, sir.
Question. Leander Toms?
Answer. Yes, sir; I saw him at the meetings.
Question. Daniel Fortune?
Answer. Yes, sir; I saw him at the meeting, too.
Question. Amos Harrill?
Answer. I don't know anything about him?
Question. Samuel Biggerstaff?
Answer. I don't know anything about him, except by the signs he gave me.
Question. Give me the signs.
[Witness gave and explained the signs as follows:]
Answer. Well, sir; to find out if a man was a member, you would pass your right hand along the lapel of your coat, up and down, and if he was one he would do the same on the other side with his left hand; then you would run your forefinger of your right hand around the back of your right ear, and he would do the same with his left hand and left ear. Then there was a pocket-sign. To run your right hand in your right pocket (pants pocket) and place the heel of your left foot towards the inside of your right, and if he was a member he would do the same with opposite hand and foot. We had a sign in shaking hands—to press the forefinger of the right hand against the palm of the other party's and they would press your middle fingers in turn.
Question. You say you passed the signs with Samuel Biggerstaff?
Answer. Yes, sir.
Question. Alfred Biggerstaff?
Answer. I saw him at the meetings.
Question. Barton Biggerstaff?
Answer. Yes, sir; he gave me the signs.
Question. Benjamin Gould?
Answer. I don't know anything about him, only what I heard.
Question. James Wilson?
Answer. I don't know anything about him neither.
Question. Alfred Early?
Answer. I don't know anything about him either.
Question. James McDaniels?
Answer. I don't know anything about him, only what he told me.
Question. What did he tell you?
Answer. He told me as we went on from here that he didn't want any of us to tell when we got up there. That was James McDaniels. He said that somebody didn't want us to tell what we knew about the Invisible Empire. He meant where he met us in the road, not to tell when we got to Raleigh.
Question. Did he give the name of somebody?
Answer. He said Dick Martin told him. That was between Cherryville and Shelby. Dick Martin met him there and told him that Plato Durham sent him to meet us, and told us to come by Shelby; that he wanted to see us all, and didn't want us to tell anything about what we knew.
Question. About what?
Answer. About the Invisible Empire.
Question. When was that?
Answer. As we went on from here to prison.
Question. Last June?
Answer. I don't know what month it was.
Question. Were you brought down here when the court was sitting before?
Answer. Yes; I think so.
Question. You were brought down here and put in jail?
Answer. Yes, sir.
Question. It was when you went back from here that you received that message?
Answer. Yes, sir.
Question. And Jim McDaniel gave the message?
Answer. Yes, sir.
Question. That's all you know about his being a member?
Answer. Yes, sir.
Question. Did he pass any signs with you?
Answer. If he did, I don't recollect. That was between Cherryville and Shelby, as we went on.
Question. Did you go by Shelby?
Answer. Yes, sir.
Question. Did you see Mr. Durham there?
Answer. I saw him, but I never spoke to him
Question. You had no conversation with him.
Answer. No, sir.
Question. James McDaniels?

Answer. I don't know anything about him.
Question. Achilles Durham?
Answer. No, sir; I don't know anything about him.
Question. Lawson Teel?
Answer. Yes, sir; I saw him.
Question. He is a member?
Answer. Yes, sir
Question. Were they all members of that Den or not, or some of them members of other Dens.
Answer. No, sir; I don't think they were all from our Den.

Cross-examination. (STRONG:)

Interrogatories by counsel for defense:

Question. I understand you to say that Jim McDaniels said that Dick Martin had told him that Mr. Durham wanted them to come by Shelby?
Answer. Yes, sir.
Question. Didn't you know that Mr. Durham was a lawyer.
Answer. Yes, sir; he had been down here to court.
Question. He was your lawyer and the lawyer of the rest of them?
Answer. Yes, sir.
Question. You were all released on bail, and when you were going back you all received this message.
Answer. Yes, sir.
Question. Was James McDaniels in it at the time.
Answer. Yes, sir.
Question. And he told you about this message.
Answer. Yes, sir.
Question. That's the only reason you have for believing he was a member of the Invisible Empire.
Answer. Yes, sir.
Question. Were you in this Biggerstaff raid, sir?
(Objected to and objection sustained.) Witness was told to stand aside.

TESTIMONY OF JAMES NOLAN.

Interrogatories by counsel for United States, (PHILLIPS:)

Question. What is your name?
Answer. James Nolan.
Question. Are you a member of the Invisible Empire?
Answer. Yes, sir.
Question. When did you join?
Answer. The second Saturday night in last April.
Question. Who initiated you?
Answer. Thompson Brad.
Question. What Den did you belong to?
Answer. It was not numbered.
Question. Were you sworn?
Answer. Yes, sir.
Question. Did you ever heard this? [Counsel for Government then read oath of Invisible Empire.]
Answer. I took that, and I think a little more with it.
Question. What additional did you take?
Answer. I took one about like that.
Question. What was there more?
Answer. I don't know whether I can tell you or not. The man that gave me the oath was longer at it than it would be to read that over.
Question. The substance of this oath you took?
Answer. Yes, sir.
Question. You don't recollect what more?
Answer. It was to renounce the radicals.
Question. Do you know James McDaniels and Joseph McDaniels, and do you know Achilles Durham?
Answer. Yes, sir.
Question. Are they members of the order?
Answer. I saw them at the meetings.
Question. You joined the second Saturday night in last April; what day of the month?
Answer. The 8th.
Question. You saw them in that meeting?

Answer. I saw James McDaniels at that first meeting, and I saw James McDaniels and the other two at a second meeting.

Cross-examined by Mr. STRONG for defendants:

Question. You say you took this oath, and a little more?
Answer. Yes, sir.
Question. Don't you know that that is the very oath you took, and not a word more?
Answer. It seemed to me like it.
Question. You are laughing; is there anything in that oath very funny?
Answer. I don't think there is.
Question. Was there anything more in it?
Answer. It seemed to me like there was. I don't recollect what more there was.
Question. What was the oath you took; let us see if you can recollect it?
Answer. I don't recollect all of the oath.
Question. State to the best of your recollection what it was.
Answer. The first of it was that you took in the presence of the immaculate God. You took these obligations, but as he read it I can't recollect it; I never heard it but a time or two.
Question. Has it been read over at Raleigh?
Answer. Yes, sir.
Question. Who read it to you?
Answer. I never heard it, except in court.
Question. Never heard it after you joined the order, except here?
Answer. No, sir.
Question. And you cannot repeat it?
Answer. No, sir.

TESTIMONY OF WILLIAM COVINGTON.

Interrogatories by counsel for United States, (Mr. PHILLIPS:)

Question. Where are you from, sir?
Answer. I live in Cleveland County.
Question. What part of the county?
Answer. Up in the northeastern—northeast of Shelby.
Question. Do you know Pinckney Tisdale?
Answer. Yes, sir.
Question. Are you a member of the Invisible Empire?
Answer. Yes, sir.
Question. When did you join?
Answer. Some time last fall.
Question. Who initiated you?
Answer. Richard M. Horde.
Question. Were you sworn, sir?
Answer. Yes, sir.
Question. Listen to this and see if you ever heard it before. [The counsel then read oath of the Invisible Empire.)
Answer. Something like that I took; I don't know that it is precisely the same words. Something like that was administered to me.
Question. Were you ever on any raid?
Answer. Yes, sir; I was on a raid that was made on Mr. Hawkins.
Question. Where does he live?
Answer. About a mile and a half from where I live.
Question. What was that for?
Answer. Because he had moved a man out of the country; a man by the name of McGaha.
Question. What were his politics?
Answer. He was a republican.
Question. What did they do with him?
Answer. They whipped him, I suppose.
Question. Were you there?
Answer. Well, sir, I wasn't exactly there, but I was off a little way.
Question. How close did you go?
Answer. Some two hundred or three hundred yards.
Question. You say you were on a raid against a man named Hawkins, in Cleveland?
Answer. Yes, sir.
Question. Did you hear anything going on at the house?
Answer. Yes, sir.
Question. What did you hear?
Answer. I heard something like they went into the house and taking him out. I

heard them talking right smart. I could hear him once in a while. I could not hear what they said.

Question. When they came back what did they say?

Answer. They said they had whipped him.

Question. Were you ever on any other raid?

Answer. Yes, sir.

Question. Who on?

Answer. On a little negro.

Question. What was that for?

Answer. They said he had been abusing the children of a couple of widows close by, and he did something to some man's stock. So we went and gave him a good brushing.

Question. How old was he?

Answer. Sixteen or eighteen years of age. On that same night there was a boy living a few miles close by that had done something about the school—he done his business there—and it was proposed by some of the party to go and scare him, not to whip him. While they were going to this little boy's house they came across a man named Jason Bridges. He was in his wagon, and they stopped him and talked to him a little bit, and some of them gave him a few licks.

Question. What was that about?

Answer. For ill-treating his wife.

Question. What politics?

Answer I don't know.

Question. Did you ever hear him say what his politics were?

Answer. I don't know as I ever have, sir.

Question. Ever hear anybody say in his presence?

Answer. His folks all voted the republican ticket.

Question. Did you hear anything said that night?

Answer. No, sir.

Question. Where did you go then?

Answer. After this little boy.

Question. Was that a white boy or a black boy?

Answer. A white boy. He wasn't at home. I was on another raid.

Question. Who was that against?

Answer. Jack Wellman.

Question. He was a negro?

Answer. Yes, sir.

Question. What did you raid against him about?

Answer. I don't know what all. There was a great deal laid against him. His neighbors said he was cutting up right smart.

Question. About what?

Answer. I believe they said he was pretty sassy, and he had a crowd of colored people there with guns in the settlement, and that he was teaching a negro school.

Question. What else?

Answer. I believe that was about the height of what I can recollect they had against him.

Question. Any other raid, Mr. Covington?

Answer. Yes, sir, I was on another little raid, but there was nothing done.

Question. What was that?

Answer. There came a colored man in the settlement——

Question. What was his name?

Answer. He had two or three names. Some called him Harry Grows. It was reported he had run away from some place for stealing. We went to the house where he lived to run him out of the country, but when we went there he was not there.

Question. Do you know that all those that went on these raids were members of the Empire?

Answer. It was supposed so.

Question. Any officer go along with you?

Answer. Yes, sir; the chief.

Question. How did you get information where to go?

Answer. Sometimes we would get information at the meetings.

Question. Were you upon this Biggerstaff raid?

Answer. No, sir; I was not upon it.

Question. Were you in a meeting that decreed that raid?

Answer. I was in the meeting when the time was set, but I wasn't in the meeting when the sentence was passed.

Question. What was that sentence?

Answer. Two hundred lashes.

Question. What meeting was that you were in?

Answer. Well, sir, I don't know. Just a meeting that they had there.

Question. What was he whipped for, do you know?

Answer. Well, sir, what they said against him was, that he had shot at his brother in the night some time or another, at his half-brother. They said he was a mean man. It was something that way.

Question. Was or was not anything said about his politics?

Answer. I really don't recollect, sir.

Question. Give the best of your impression.

Answer. I believe they said he had been most every sort of man; he had been a conservative Union man, and secessionist.

Question. What was he then?

Answer. I think he was a republican.

Question. He was to have two hundred lashes?

Answer. Yes, sir.

Question. How many of you were there decreed it?

Answer. I don't know, sir, how many. There was a right smart crowd of us.

Question. Can you come within twenty of it?

Answer. I should think there was some thirty to fifty.

Question. That was in Cleveland County?

Answer. Yes, sir.

Cross-examined, for defense, by Mr. STRONG:

Question. You say that you were a member of the Invisible Empire?

Answer. Yes, sir.

Question. Were you, or were you not, in Raleigh last June?

Answer. Yes, sir.

Question. How did you come down there?

Answer. I was arrested and brought here.

Question. On what charge?

Answer. Well, sir, I suppose I was accused of being in this raid on Mr. Biggerstaff.

Question. How did you come down?

Answer. I came in charge of Mr. Bosher.

Question. Who was he?

Answer. A deputy marshal, I suppose.

Question. Where did you stay?

Answer. I staid one night in Mr. Carrow's office, and the balance of the time in jail until I was relieved.

Question. How did you get out of jail?

Answer. I gave bond.

Question. When did you come back again?

Answer. I came back last Tuesday a week ago.

Question. You were brought down here on the charge of being on this Biggerstaff's raid?

Answer. I suppose that was it.

Question. I understood you to say you were not in that raid?

Answer. No, sir; I was not in that raid.

Question. You have spoken of a good many raids here. You have spoken of a colored man by the name of Wellman. Was he not in the habit of stopping people on the road, and drilling a company at night?

Answer. They said they had guns over there among them.

Question. Don't you recollect hearing of his stopping people on the road, and causing them to pass around the other way?

Answer. I didn't hear that they had been drilling. I heard that the people were afraid to pass that way.

TESTIMONY OF JAMES ALLEN.

Interrogatories by counsel for United States, (PHILLIPS:)

Question. Where do you live?

Answer. In Rutherford County.

Question. Whereabouts?

Answer. A mile and a half east of the court-house.

Question. How near Aaron Biggerstaff's?

Answer. About two miles and a half.

Question. Do you recollect the time at which he is said to have been whipped?

Answer. Yes, sir.

Question. Did you see anybody that night?

Answer. Yes, sir.

Question. Anybody particular?

Answer. I didn't see but one person, sir, that I knew that night.

Question. What was it you said?

Answer. I saw some persons disguised.

Question. What time of night?
Answer. As they went off, sir, I suppose it was about 11 o'clock.
Question. How many were along?
Answer. Well, I can't tell. I didn't see but about ten or twelve that got down, and came in the house.
Question. How many, sir, did you suppose were there altogether?
Answer. I suppose about sixty or seventy.
Question. When did they get down?
Answer. They got down as they came back.
Question. Did they get down as they went up?
Answer. A couple did, sir.
Question. Did you know them?
Answer. I think I knew one of them, sir.
Question. Who was it?
Answer. Mr. Hambrick.
Question. Which Hambrick?
Answer. George.
Question. Was he disguised?
Answer. Yes, sir.
Question. You say some got down as they came back?
Answer. Yes, sir; I suppose ten or twelve.
Question. What did they say?
Answer. Well, sir, they said a good many things.
Question. State to these gentlemen what they said. [Meaning the jury.]
Answer. They asked me who there. I told then Allen; they asked me what Allen; I told them Jim Allen; and they asked me if it was Red String Allen, and I told them it was; they asked me a good many questions which I don't recollect.
COUNSEL. Tell the conversation as well as you can recollect.
WITNESS. They told me they were going to kill the radicals out of the country.
Question. Did they say where they had been?
Answer. I don't know that they did. They said, "We have given your friend Biggerstaff hell to-night," and they said they gave him four hundred lashes. Then they asked me if I voted for the constitution. I told them that I did; and they asked me if I voted with the negroes, and I told them I reckon, with the majority of them.
Question. I understand, Mr. Allen, that they had a conversation with you as they returned. Was it the night Biggerstaff was whipped?
Answer. Yes, sir; and I suppose there was as many as I mentioned.
Question. They asked you how you had voted?
Answer. Yes, sir.
Question. What else did they say about your politics?
Answer. Well, I believe that was all, sir; they said more than I can tell now.
Question. How long were they there?
Answer. I suppose about a half an hour.
COUNSEL. Well, go over it again; I want to understand.
WITNESS. Well, they asked me who lived there. I told them it was Red String Allen. Then they asked me what made me a damned Red String. I told them because I thought it was right; then they asked me if I loved the negro and voted with them, and so on. I told them I suppose I voted with the majority of them.
Question. Did they say anything about your voting hereafter?
Answer. Yes, sir; they told they wanted me to be right, from now on, for a white man.
Question. Did they, or did they not, ask you if you knew any of them?
Answer. Yes, sir; they asked if I was going to swear against any of them. I told them I was not, and they said if there was going to be any swearing going on, they were coming back next Saturday night, and there would be some killing done.
Question. Did they, or did they not, ask for liquor?
Answer. Yes, sir; they did.

Cross-examination by STRONG:

Interrogatories by counsel for defense:

Question. Were these men disguised?
Answer. Yes, sir; they were disguised—all but about two, that I saw, sir.
Question. Two had no disguises on?
Answer. No, sir.
Question. How were they disguised?
Answer. Well, different ways. Some had on gowns, and some simply just a dress over their heads, and caps, or something, over faces. They had false-faces on.
Question. You didn't see any other disguises at all?
Answer. Well, I saw different sorts, sir. They were disguised just alike; I believe all had horns except two. I was very much excited.

Question. Which way did they go?
Answer. I don't know. I can't tell you which way they came as they came back.
Question. Didn't you know that they came by the Lincolnton road?
Answer. No, sir.
Question. Which way does Biggerstaff live from you?
Answer. West. They went off west.
Question. How did they come back?
Answer. They came back coming westerly. Some took one road to my house and some the other.
Question. They all went in a western direction?
Answer. Yes, sir.
Question. Did you have any light then?
Answer. Yes, sir; I got a good light.
Question. Well, sir, you say that you recognized one man. How did you recognize him?
Answer. By his face.
Question. What was his name?
Answer. George Hambrick.
Question. Well, now, sir, you could see the eyes of these men?
Answer. Yes, sir; I could.
Question. Could you tell the color of the eyes?
Answer. Not well, sir; I was excited.
Question. Do you mean to say that, with a bright light there, you couldn't tell the color of the eyes?
Answer. I say I was excited, sir.
Question. You couldn't tell the color of their eyes?
Answer. I couldn't now.
Question. Which way do these defendants live; which side of Mr. Biggerstaff; didn't they all live on the other side of Biggerstaff from you?
Answer. No, sir, they didn't all; the majority of them, I believe, did.
Question. Tell which of them lived east.
Answer. Amos Owens; he lived northeast from there, sir.
Question. Did he live about north from there, sir?
Answer. I won't swear to the court—in fact, I am not very well acquainted in that country.

TESTIMONY OF JOHN W. THOMPSON.

Interrogatories by counsel for United States, (Mr. PHILLIPS:)

Question. Where do you live?
Answer. In Rutherford County, sir.
Question. What's your age?
Answer. I am going on fifty-three years old.
Question. How long have you lived in Rutherford?
Answer. Going on four years.
Question. Where did you live before?
Answer. In McDowell County. I was raised in Burke.
Question. Which direction in Rutherford County do you live?
Answer. I think it is rather northwest.
Question. Are you near the McDowell line?
Answer. I suppose it is, sir, something like ten miles from the McDowell line.
Question. Do you belong to the Invisible Empire?
Answer. Well, I went into what they called the white man's party.
Question. How long ago was that?
Answer. About three years ago.
Question. Was it the White Brotherhood or the white man's party?
Answer. As well as I understand, it was the white man's party.
Question. Who initiated you into that?
Answer. Miles Walker.
Question. You didn't know him?
Answer. I never saw him before nor since.
Question. How about the Invisible Empire?
Answer. I never taken an oath into that, but I went to the meeting.
Question. You never took an oath, but went to the meeting; who took you there?
Answer. Yes, sir. William Edgerton, the chief of the Den. He was appointed chief when they organized it. Before they did organize it, sir, I was at a sale, and I saw Bill Edgerton—he belonged to the white man's party too—and he told me that the signs had been changed. He took me out behind the store and gave me the signs.
Question. What signs?
Answer. The right hand over the left ear and the right ear.

Question. What other signs?
Answer. Putting the hand over the collar and putting the hand in the pocket.
Question. Did you ever attend the meeting?
Answer. Yes, sir. He told me when I got those signs I was all right.
Question. Where was the first meeting you attended?
Answer. In Polk County.
Question. How many were present?
Answer. I don't know that I could tell you. Some seven or eight at that meeting—maybe more.
Question. Give me some of them.
Answer. There was Tom Edgerton, John Whiteside, Jones Williams, Bill Edgerton, Tom S. Elliot, myself, Marvin Nobililat.
Question. Was Elliot an officer?
Answer. Yes, sir; he was head man at the first meeting I was at. William Edgerton was chief in Rutherford. He was appointed chief at the next meeting.
Question. Was anything said there, and what?
Answer. There was but very little said at that meeting.
Question. Well, Mr. Thompson, you say you were at a meeting with Mr. Edgerton, in which Mr. Elliot was chief?
Answer. Yes, sir.
Question. Was Edgerton a Polk man?
Answer. Yes, sir.
Question. What did he say were the objects of the association?
Answer. There was not but very little said. He said that the object was to put down the oppressive laws in the country, and to have a white man's government; to prohibit negroes and white people from mixing together, to put down the revenue laws, and to have a white man's government.
Question. How was it to be done?
Answer. I don't recollect that he said how it was to be done at that meeting.
Question. Did he say anything about raids?
Answer. Not at that meeting.
Question. Is that all that passed at that meeting?
Answer. All that I recollect, sir.
Question. That was at Rock Spring?
Answer. Yes, sir.
Question. Did you attend any other meeting?
Answer. Yes, sir. It was in Rutherford County, about two miles from where Edgerton was keeping a store.
Question. Did you meet in a house?
Answer. No, sir. It was in the woods, in a hollow. When the men were told to go down in the hollow they hitched their horses together.
Question. Did you meet in the day or night?
Answer. It was in the night—generally in a still-house.
Question. In the woods?
Answer. Yes, sir; up in a branch.
Question. How many met there?
Answer. I think there was betwixt twenty-five and thirty—probably thirty.
Question. Was Edgerton there?
Answer. Yes, sir.
Question. This was in Rutherford County? Give some other names, please, sir.
Answer. Marion Nobilat, John and Sam Williams, and Jim Grant were there.
Question. Was anything said there about what you were to do?
Answer. Yes, sir.
Question. Who by?
Answer. William Edgerton and Thom S. Elliot.
Question. Was anything said about Edgerton's authority, and so on?
Answer. Yes, sir; there was. When Edgerton was appointed chief at that time Thom S. Elliot was chief before him, and he was appointed chief by Thom S. Elliot.
Question. Did Elliot say anything about his authority?
Answer. Yes, sir; he said he got his authority from Cleveland, from McAffee.
Question. How about McAffee? Did he say where he got his authority from?
Answer. Yes, sir; he said he got his authority from Joe Turner, editor of the Raleigh Sentinel.
Question. What was it said that the association was to do?
Answer. After they had organized, to appoint officers.
Question. What sort?
Answer. Grand Monk, Grand Turk, and two Night-Hawks, and what they call the counselors.
Question. What were the counselors?

Answer. When anything came up they were to sit and decide what was to be done—the same as a jury, I suppose—the same as a committee.

Question. What did the chief of the Den tell the brethren there they were to do?

Answer. Well, sir, he told them that the object of these meetings was to establish the conservative party and to put down the radical party; that they were agoing to have a white man's government. He said this thing of having negroes sitting in the jury-box and going up to the polls and voting with white people was a ridiculous thing; there had to be a stop put to it.

Question. Was there anything said about how it was to be stopped?

Answer. Yes, sir. He said if they could not stop it another way, they would stop it by force of arms; for they said they were bound to have a white man's government—they were determined to have a white man's government at all hazards.

Question. How long were you there?

Answer. Well, sir, I could not say exactly how long.

Question. Elliot was present?

Answer. Yes, sir.

Question. He said about where he got his authority from?

Answer. Yes, sir; from McAffee.

Question. When was that?

Answer. I think, sir, in February.

Question. About last February?

Answer. Yes, sir, as near as I recollect.

Question. When was it you first saw Edgerton when he told you the signs had been changed?

Answer. I think it was about the last of January or the first of February.

Question. This meeting in Polk County, how long did that occur before the other?

Answer. It was on the Sunday night afterward. Wednesday, I think, I was in Polk County, and he was there on Sunday night right afterward.

Question. How many meetings have you been in, Mr. Thompson?

Answer. I think, sir, but I am not positive of five, and probably six.

Question. Were you ever on a raid?

Answer. No, sir; I never was on a raid.

Question. Was there anything said about going to the relief of brethren?

Answer. Yes, sir; they said they were sworn to give aid to their brethren; then told them if any got into a difficulty for being out on a raid, and they were put into jail for it, that they should be relieved if the jail had to be torn down to do it.

Question. Was there any oath taken?

Answer. Yes, sir; there was an oath.

Question. Just listen to this, and see if you have ever heard it before.

[Counsel then read the oath of the Invisible Empire, as before.]

Answer. Well, I have heard a good deal of that. There is a little difference from the one I have taken.

Question. What difference?

Answer. Well, that speaks about the great, immaculate God. I think that, if I understood it, they swore solemnly before Almighty God. There was some other little differences. I think I can repeat the most of it. Where one was going to take it called, "I, So-and-so, do solemnly swear." I will repeat it as I took it: "I, John W. Thompson, do, of my own free will and accord, I do solemnly swear before Almighty God that I will support the Constitution as it was decreed to us by our forefathers. I furthermore swear that I am on the side of justice and humanity; that I denounce the radical party; that I go for intelligent white men to rule and govern this country. I furthermore swear to give aid to a brother in distressed circumstances. I furthermore swear that I will obey all rules and regulations pertaining to this order. I furthermore swear that females, friends, widows and their children, and orphans shall ever be the object of my especial love and protection. I furthermore swear that should I divulge or cause to be divulged any signs, secrets, grips, or pass-words pertaining to this order, I shall suffer the penalty of a traitor's doom, which is death, death, death, at the hands of the brethren."

Question. Anything said about obedience?

Answer. It was the same about obeying the laws and regulations of the order.

Cross-examined, for defense, by Mr. STRONG:

Question. Mr. Thompson, just repeat that oath as you recited it over again.

(The witness repeated the oath, as before given.)

Answer. That is as well as I recollect it, sir. There might be some little difference or mistake in it. I got this oath and put it on paper, committed it to memory, and burned it.

Testimony for defense.

TESTIMONY OF KATE DEPRIEST.

Interrogatories by counsel for defense, (STRONG:)

Question. Do you know William C. Depriest?

Answer. Yes, sir.

Question. Are you any kin to him?

Answer. Yes, sir; he is my father.

Question. Are you any relation to Adolphus Depriest?

Answer. Yes, sir; he is my brother.

Question. Well, do you know the night when the raid, as they call it, was made on Mr. Biggerstaff?

Answer. I do.

Question. What reason have you to know that?

Answer. Well, I know it because I heard the fuss that night, and he said he was whipped that night.

Question. Where were you that night, ma'am?

Answer. I was at home.

Question. How far did you live from Biggerstaff at the time when this raid was made upon him?

Answer. It was about a mile, the nearest way; but by the road it is a mile and a half.

Question. State where you lived that night, and what took place there. State where your father and brother were.

Answer. Well, they were at home that night, and I don't know exactly when brother Adolphus laid down. He was gone to bed some time before I did; so did father. He just laid down before I did a few minutes, and I left Uncle John Calton up. I never went to sleep, but when he went to bed I knew when it was. The clock struck ten just as I laid down. It was after I went into the room. I don't remember whether it was just before or after I laid down; and then I waked father. I never went to sleep until nearly 11 o'clock. When I woke up I heard such a fuss that I got up and went out on the porch, and waked Uncle John Calton, and he said he didn't hear it; he had been asleep. He got up and went out on the porch with me, and we heard it, and then I waked up my father and told him to come out and listen at it; and then I went into mother's room, where my brother was. I had to shake him and talk to him a while before I could get him awake. We all went out on the porch, and we heard it. The noise went off like.

Question. Which way did it go?

Answer. It went toward south from our house.

Question. Which road did they go?

Answer. They went the Lincolnton road.

Question. You say that your uncle, John Calton, was there that night. Any of the rest of the family there with him?

Answer. His wife and two little children.

Question. Did the Caltons stay up later than you did?

Answer. Yes, sir; Uncle John didn't lie down. I reckon he only just slept with his clothes on. His oldest child wouldn't sleep, and I went and fixed the bed in the little room where I slept, so that he might sleep, and his wife slept with the child in there. He was asleep on the side of the house toward Biggerstaff. I slept on the other side.

Question. What was the condition of your health?

Answer. I was sick, and had been sick from Friday on. I slept in a shed-room—a room in the other end.

Question. What sort of noise was it you heard?

Answer. Just simply screaming and hallooing; I never heard any guns.

Question. How long did it last?

Answer. Not very long after I woke up. My father was in bed when I went in there, but he was not asleep. After the fuss all went over I laid down, and the clock struck 1. I knew it was after 12 when I got up.

Question. Where was Joe that night?

Answer. He was not home; he had left that evening, to go to his store, and said he was not coming back home, and didn't come until morning; it was too far to walk from his store.

Question. How far was it?

Answer. It was five miles, I reckon.

Question. Which direction was it?

Answer. Toward the house.

Interrogatory by juryman:

Question. Please state what your father's name was.
Answer. William C. Depriest.

No cross-examination.

TESTIMONY OF ADELINE FORTUNE.

Interrogatories by counsel for defense, (Mr. STRONG:)

Question. Where were you the night of this first raid on Mr. Biggerstaff?
Answer. I was at home.
Question. How far is that from Biggerstaff's?
Answer. About a mile and a half from there.
Question. Do you know anything about where Ben Fortune, Daniel Fortune, and Joseph Wilson were that night?
Answer. They were there at home.
Question. Do you live in the same house with them?
Answer. No, sir. I just live a few steps from them; about eight feet from the room where they went up-stairs.
Question. Just state now where you saw them that night.
Answer. I staid in their room with them till, I reckon, about 10 o'clock, and then I went into my room; and I saw them about 11 o'clock go up-stairs to bed; and I sat down in my room-door and staid there. After a while I went out into the yard and I heard a hollering.
Question. What were you doing sitting up?
Answer. Just a-talking.
Question. Who was there?
Answer. James Warwick Walker, Joseph Wilson, and Ben and Joe Fortune. I was in the same room with these four young men till about 10 o'clock, and I saw them take a candle and go up-stairs, and I sat down in the door, and there was no other way to get out. They could not have got out only coming that way, because there is no other way to get out. Up-stairs is a loft.
Question. How long did you stay there at the door?
Answer. A right smart while. I could not tell you exactly how long.
Question. You heard a fuss?
Answer. Yes, sir; I heard a hollering; but I never thought about nothing.
Question. Which way was it?
Answer. Down toward Mr. Biggerstaff's.
Question. Had you gone to bed?
Answer. No, sir; I had just stepped out into the yard.
Question. Did you see these boys?
Answer. No, sir. They was up-stairs; for they could not get out.
Question. What was the reason of your sitting up that night?
Answer. Well, sir, my cousin was there, and we had some little company.
Question. How far were you from these stairs where they went up?
Answer. Not more than about eight feet. And they could not have come down without my seeing them.

Cross-examined by Mr. PHILLIPS:

Question. What relation are you to the Fortune boys?
Answer. I am their aunt.
Question. Any relation to Joseph Wilson?
Answer. Me and his mother are about second cousins, I reckon.

TESTIMONY OF J. W. WALKER.

Interrogatories by counsel for defense, (STRONG:)

Question. Do you know when this raid on Mr. Biggerstaff occurred?
Answer. Yes, sir; about the 8th of April. On that night, I believe.
Question. Where were you on that night?
Answer. With Mr. Fortune.
Question. Which Fortune?
Answer. At Mr. Pleasant Fortune.
Question. Who lives there, sir?
Answer. His family.
Question. State whether or not did Mr. Benjamin Fortune live there?
Answer. Yes, sir.
Question. Daniel Fortune live there?
Answer. Yes, sir.
Question. Joseph Wilson live there?

Answer. No, sir.
Question. Where was he that night?
Answer. There was Mr. Doc. Fortune, Mr. Wilson, and Mr. Daniel Fortune; they were there, and went to bed while I did—that is, Mr. Wilson, Mr. Doc. Fortune, and myself went to bed together, and Mr. Daniel went to bed before we did.
Question. About what time of night was that?
Answer. I suppose about 11 o'clock, as near as I can tell.
Question. Where did you sleep?
Answer. Slept up-stairs.
Question. What kind of a room was it up-stairs?
Answer. Large room.
Question. Any windows or doors up there?
Answer. Yes, sir; a door.
Question. Which door?
Answer. The door as you went up-stairs.
Question. You didn't notice any other door but that?
Answer. No, sir.
Question. What did you do up-stairs?
Answer. We went to bed.
Question. Go to sleep?
Answer. No, sir; some half an hour, I reckon, before I went to sleep.
Question. How long did you talk up there?
Answer. About a half an hour, as near as I can tell.
Question. Did you hear the fuss at Biggerstaff's?
Answer. No, sir; I didn't.
Question. How far is that from Biggerstaff's?
Answer. A mile and a half.
Question. How did you happen to be there that night?
Answer. Went on a visit.
Question. Who did you sleep with?
Answer. Mr. Joseph Wilson.
Question. Did you wake up any during the night?
Answer. Just a time or two; I don't know whether it was in the fore part of the night or before day.
Question. What time did you wake up the next morning?
Answer. Tolerably early.
Question. Who did you see when you woke up?
Answer. They were all there—Mr. Wilson, Mr. Doc. Fortune, and Mr. Daniel Fortune, they were all in the room, as I said.
Question. Do you know Miss Adeline Fortune?
Answer. Yes, sir.
Question. Did you see her that night?
Answer. Yes, sir.
Question. How far did she live from there?
Answer. The two houses are about eight feet apart.
No cross-examination.

TESTIMONY OF MARTHA A. BIGGERSTAFF.

Interrogatories by counsel for defense:

Question. Are you any relation to Samuel Biggerstaff, the defendant?
Answer. Yes, sir; he is my father.
Question. Do you know when this first raid was made on Mr. Biggerstaff?
Answer. Yes, sir; it was on the 8th day of February, at night.
Question. You heard about the first raid happening to him?
Answer. Yes, sir.
Question. How long after it took place was it that you heard about it?
Answer. I think it was on Sunday, the next day. I went to church and I heard about it after 12 o'clock.
Question. State where you were that night, and your father.
Answer. I was right at home that night, all night. My father started to Cave Creek after a load of corn, and it was after 10 o'clock that night when he came home. After he came home he put away his horse and came in the house, and I went in the kitchen with him to help to fix the supper. While they were eating the clock struck 11. When he got done he went into the back-house. When we went out he was lying there by the fire. She told him to get up and go to bed, and he did so. I was the last one that went to bed. We hadn't been to bed very long before the dogs made such a noise that I and my mother got up and went out of doors. After we went back, I heard my mother and father talking together, and the clock struck 12 just as I went back, and I heard her and father talk.

Question. You say that your father had gone to Cave Creek for a load of corn?
Answer. Yes, sir. My mother went with him. While they were at supper the clock struck 11. I was waiting on the table. Me and mother stayed in the kitchen a while.
Question. When did you see your father next?
Answer. I saw him the next morning, just at daylight; we got up and went by his bed, and he was there just at daylight.

No cross-examination.

TESTIMONY OF B. W. BABER.

Interrogatories by counsel for defense, (Mr. STRONG:)

Question. Do you know the night when this first raid was made on Mr. Aaron Biggerstaff?
Answer. Yes, sir.
Question. Well, sir, will you be good enough to state whether you saw anything of Samuel Biggerstaff that night; when and where—all about it.
Answer. I saw him that night with a load of corn in his wagon. He came in there at Mr. Thompson's. He left there about sundown, at Mr. Thompson's, and I left after he did and overtook him, and traveled with him to the head of my lane. It is about three miles from my house to Mr. Thompson's.
Question. Who was with him, sir?
Answer. His wife.
Question. Where did you overtake him?
Answer. About half a mile after he left Thompson's. I traveled with him about two and a half or three miles, and I left him at the head of my lane. I rode down to my house and the clock struck 9. It was a part of the road that was tolerably rough. He was traveling slowly.
Question. How far was it from the head of your lane to where he lived?
Answer. Some two miles or a little upwards.
Question. Which direction was he coming from with his wagon with reference to Cave Creek?
Answer. From Cave Creek.
Question. What sort of a load of corn was it?
Answer. He said he had twelve bushels.
Question. According to the way he was traveling, how long would it take for him to get home?
Answer. Well, sir, it was about two miles. From sundown to 9 o'clock it took us to go three miles.

Cross-examination by Mr. PHILLIPS:

Question. Are you acquainted with any of the defendants?
Answer. Yes, sir.
Question. Which of them?
Answer. Mr. Biggerstaff and my wife are cousins.
Question. Which Biggerstaff?
Answer. Samuel P. Biggerstaff.
Question. Are you any relation to Mr. Depriest.
Answer. Yes, sir; he is my brother-in-law.
Question. Who else?
Answer. Mr. Calton, is my brother-in-law.
Question. Is your wife also a cousin to Mr. Aaron Biggerstaff?
Answer. No, sir.
Question. Are you any kin to any of the rest of them?
Answer. No, sir.

Recess.

BABER re-called.

By defense:

Question. Do you know Mr. James Sweazy?
Answer. Yes, sir.
Question. How far does he live from you?
Answer. It is about three miles.
Question. What sort of stock did he have at that time?
Answer. He had some mules.
Question. Had he a black mare or not?
Answer. I don't know whether he did or not.
Question. Mr. Baber, what political party do you belong to, sir?
Answer. I have always been a Union man.
Question. Do you belong to the republican party now, sir?

Answer. Yes, sir; I vote that way.
Question. Are you acquainted with the general character of Samuel Biggerstaff?
Answer. Yes, sir; tolerably well.
Question. Do you know what his reputation is among the neighborhood in which he lives.
Answer. I don't know that I do.
Question. You don't know what his neighbors generally say about him?
Answer. I don't know that I could tell you.

TESTIMONY OF COLUMBUS DEPRIEST.

Interrogations by counsel for defense, (Mr. STRONG:)

Question. Do you know Joseph Depriest?
Answer. Yes, sir.
Question. Is he any kin to you?
Answer. Yes, sir.
Question. What kin?
Answer. Second cousin.
Question. Do you know the night when that first raid was made on Mr. Biggerstaff?
Answer. Yes, sir.
Question. Where were you that night?
Answer. At home.
Question. Was anybody there with you?
Answer. Yes, sir; Joseph Depriest.
Question. What time did you go to bed?
Answer. About 9 o'clock.
Question. Why do you think it was 9 o'clock?
Answer. It was that time by the clock.
Question. Did you sleep all night, or did you wake up?
Answer. I woke up a time or two.
Question. When you woke up did you or did you not notice whether Joseph was there?
Answer. Yes, sir; I slept with him.
Question. Have you any reason for thinking you would have known it if he had got out of the room.
Answer. I don't think, sir, he could have got out without my being waked up.
Question. What about the position of the door?
Answer. There was a piece on the door across—a cross-piece—and he could not have got out without my being waked up, for he would have to make a right smart of fuss.
Question. Where was he the next morning?
Answer. He was at our house.
Question. What time?
Answer. He left about an hour by sun.
Question. What time did you wake up?
Answer. I woke up about daylight.
Question. Where was he, then?
Answer. He was with me.
Question. How long after that was it before you heard of what they did to Mr. Biggerstaff?
Answer. Well, sir, I started with him and heard it on the road that same day.

Cross-examined by attorney for the Government, (PHILLIPS:)

Question. What did you say your name was, my son?
Answer. Depriest.
Question. What Depriest?
Answer. Columbus Depriest.
Question. How old are you?
Answer. I will be fourteen the 26th of next October.
Question. When did they talk to you about this first—about your being a witness here?
Answer. A few days after it was done.
Question. Where were you when they were talking to you about it?
Answer. I don't remember.
Question. Who spoke to you about it?
Answer. I don't know that, either.
Question. Do you know what they asked you?
Answer. No, sir.
Question. Do you recollect what you told them?
Answer. Only that I told them he stayed all night with me.
Question. Who is your father?

Answer. Randolph Depriest.
Question. Are you a brother to Decatur?
Answer. Yes, sir.
Question. Was your father at home that night?
Answer. No, sir; he was not at home.
Question. What time did Joe come there?
Answer. Come near about dark.
Question. Was Joe in the habit of coming over there?
Answer. No, sir; not for some days.
Question. How often has he slept there?
Answer. I can't tell you, sir.
Question. Did you ever sleep with him before?
Answer. Yes, sir.
Question. How long ago?
Answer. About six months before that.
Question. Ever before that?
Answer. No, sir; not that I remember.
Question. He came there at sun down and was there all night?
Answer. Yes, sir.
Question. How many rooms to your father's house?
Answer. Two sleeping-rooms.
Question. How many rooms altogether?
Answer. Three of them.
Question. Where are the sleeping-rooms?
Answer. In the back part of the house—the shed-rooms. We slept in the back end of the house.
Question. There is fire-room there?
Answer. There is a tolerably large room, but not a fire-place
Question. Where did your mother sleep?
Answer. In the same room that we did.
Question. You and Joe sleep in the same bed?
Answer. Yes, sir.
Question. Where does the door to that room lead to?
Answer. Out into the fire-room.
Question. There is only one door to that room?
Answer. Yes, sir.
Question. You say that you are tolerably easy to wake?
Answer. Yes, sir; tolerably.
Question. Do you recollect now whether when Joseph Depriest slept with you before whether you waked up any during the night?
Answer. No, sir.
Question. Did you wake up any last night in the night?
Answer. Yes, sir.
Question. Who did you sleep with last night?
Answer. I don't know, sir, who by; with Havrill Depriest and some others.
Question. How often did you wake up in the night?
Answer. Once, I reckon.
Question. Were they all in the bed?
Answer. All that I could feel.
Question. Do you always feel for anybody sleeping with you?
Answer. Yes, sir.
Question. Did you feel Joe that night?
Answer. No, sir; not that I remember.
Question. What time did you go to bed that night?
Answer. About 9 o'clock.
Question. When you waked up in the morning Joe was there still?
Answer. Yes, sir.
Question. How far is that from Aaron Biggerstaff's?
Answer. A little over a mile.
Question. How far does Joe live from there when he is at home?
Answer. A mile, I reckon.
Question. Whereabouts is the store?
Answer. It is at the other side of Roberson Creek, about two miles and a half from our house.
Question. You say that Joe came to your house and slept there all night?
Answer. Yes, sir. I don't think he could have got up without waking me.
Question. Do you swear that you know he was there all night?
Answer. Yes, sir.
Question. Were you as certain that he was there while you were asleep as while you were awake?

Answer. I don't see how he could have got up and left.
Question. Did he sleep on the back side or front side of the bed?
Answer. On the front side.
Question. Who else was in the room?
Answer. Just us three.
Question. Do you generally sleep alone, or sleep with somebody?
Answer. I sleep by myself generally.
Question. You say you are going on fourteen?
Answer. Yes, sir.

TESTIMONY OF GEORGE DEPRIEST.

Interrogatories by counsel for defense, (Mr. STRONG:)
Question. Your name is George Depriest?
Answer. Yes, sir.
Question. What is the name of your father?
Answer. William Depriest.
Question. Do you remember the time of the first raid on Aaron Biggerstaff?
Answer. Yes, sir.
Question. Where were you at the time of that raid?
Answer. I was at home at my father's.
Question. Who was with you at your father's?
Answer. Well, there was John Calton and his wife and all the folks.
Question. Is Calton any kin to you?
Answer. Yes, sir; he is my uncle.
Question. You say your uncle John Calton's wife was there?
Answer. Yes, sir.
Question. Were any of his children there?
Answer. Yes, sir; two of them.
Question. Tell me who of your folks was there?
Answer. My father was there and Adolphus was there.
Question. Have you got any sisters?
Answer. Yes, sir.
Question. Were any of them there?
Answer. Katie, my least sister.
Question. Have you any mother?
Answer. Yes, sir; she was there.
Question. How long did John Calton stay there?
Answer. He staid there all night.
Question. What time did he go away?
Answer. The next day—on Sunday.
Question. About what time?
Answer. I wasn't at home.
Question. Where did you go next morning?
Answer. I went over to the Sunday-school on the road.
Question. What time did you go to bed that night?
Answer. About an hour in the night.
Question. Tell, now, who had gone to bed, if any?
Answer. There was not any gone to bed when I did unless it was some of the least ones—some of the children.
Question. Did you hear any fuss that night?
Answer. Yes, sir; I heard a fuss about midnight.
Question. How did you come to hear the fuss?
Answer. My sister came to the bed where me and Adolphus was lying, and woke us up, and we went out of the house and heard a hollering.
Question. Which sister was it?
Answer. My sister Kate.
Question. Who was out there when you went out on the piazza?
Answer. My father and my uncle John was standing there, and me and my brother Adolphus went out there together.
Question. Could you hear the fuss plainly?
Answer. I could hear it pretty plain.
Question. How far do you think it was in an air-line from your house?
Answer. About a mile, I reckon.
Question. How was your father dressed when you saw him out there?
Answer. In his sleeping-clothes.
Question. How was John Calton and Adolphus?
Answer. In their sleeping-clothes. They were all there just as they jumped out of bed.
Question. What time next day did you get up.

Answer. About day-break.
Question. Who was there when you got up?
Answer. All that I have mentioned.
Question. Any other persons there next morning?
Answer. Not that I recollect.
Question. Any other persons out on the piazza that night?
Answer. My sister and mother and Mrs. Calton.

Cross-examined for United States by Mr. PHILLIPS:

Question. You are a son of William Depriest?
Answer. Yes, sir.
Question. How old are you?
Answer. Well, sir, I am sixteen years old.
Question. You were at home when the raid was made on Mr. Biggerstaff?
Answer. Yes, sir.
Question. What night was that?
Answer. I don't recollect the day of the month, but it was before Easter Sunday. It was last Easter.
Question. What time did Mr. Calton come there?
Answer. The sun wasn't more than an hour high, and hardly that high.
Question. How far does he live away from you?
Answer. About four or five miles.
Question. Which way—east or west.
Answer. It was east.
Question. Which way from Biggerstaff's?
Answer. South.
Question. Does your father live on the big road?
Answer. Yes, sir.
Question. Where does that big road run into the little road?
Answer. Toward McDowell's.
Question. If you were going from your house toward Aaron Biggerstaff's how would you go?
Answer. We would start east and turn south.
Question. How would you go then; by the big road?
Answer. Well, sir, if you wanted to go by the big road, you would go southeast.
Question. Would that carry you to Biggerstaff's entirely?
Answer. Yes, sir. You would have to go over part of two big roads.
Question. The road that runs by your father's house then runs both to the east and west?
Answer. The big road that comes to my father's it goes, sir, of a northwest way, and the road that goes to Biggerstaff's goes a west course.
Question. How far is straight across to Biggerstaff's the way a wagon would go?
Answer. Near the same distance.
Question. You have a pretty straight pass-way, then?
Answer. Yes, sir; it don't make much bend.
Question. Where was your brother Joe?
Answer. He wasn't at home; he left home that evening before sundown.
Question. You say you went to bed at what time?
Answer. About an hour in the night.
Question. I understand you to say that some of the younger children went to bed before you?
Answer. I said there hadn't any gone to bed except the least ones.
Question. Where did you sleep?
Answer. The north side of the house.
Question. How many rooms in the house?
Answer. Three or four.
Question. Any of them up-stairs?
Answer. No, sir,
Question. All down-stairs?
Answer. Yes, sir.
Question. Who did you sleep with?
Answer. Adolphus.
Question. You said your sister waked you?
Answer. Yes, sir,
Question. When you got out in the piazza was your father out there?
Answer. Yes, sir; out in the porch.
Question. Might not the noise have been somewhere else?
Answer. It seemed like it was there.
Question. Did you see any disguised men that night?
Answer. No, sir; not one.

Question. Did you hear any horses riding by your house that night?
Answer. No, sir.
Question. What did the noise appear like?
Answer. Men hollering.
Question. What kind of a noise did they make?
Answer. Just a hollering like any one hollering.
Question. Anything said there as to what was passing?
Answer. There was an old woman sick, and everybody was looking for her to die, and some said it was her dying.
Question. The same direction?
Answer. No, sir; not exactly.
Question. Then you thought the noise was over there?
Answer. Some said it was that old lady, and others said that it was over on the big road.
Question. Where?
Answer. They didn't know where.
Question. Was Aaron Biggerstaff's name mentioned that night?
Answer. Not that I recollect.
Question. Was there anything said about the noise being over at Biggerstaff's?
Answer. Not that I recollect.
Question. It seemed like an old woman dying?
Answer. No, sir; it seemed to me like hollering.
Question. Nothing said about Biggerstaff?
Answer. Not that I recollect, sir.
Question. Was it crying; was it noise of grief?
Answer. No, sir.
Question. Was it a hurrah?
Answer. Yes, sir; it was just like men hollering as loud as they could holler.
Question. Did you hear anything that was said?
Answer. No, sir; could not hear a word that was said.
Question. Nothing was said in your crowd about where it was?
Answer. I heard it mentioned about it being as nigh as the road over there.
Question. Was there another house between you and Biggerstaff's?
Answer. Yes, sir; one house.
Question. Whose?
Answer. Mr. Weaver's.
Question. It could not have been him?
Answer. No, sir.
Question. Was there anything said about the Ku-Klux being out?
Answer. If there was anything mentioned about the Ku-Klux being out I never heard it.
Question. Did you hear all that was said, do you think?
Answer. No, sir. They were talking and going on, and it sort of frightened me. I didn't know what it meant.
Question. Nothing was said about the Invisible Empire?
Answer. No, sir.
Question. Nothing said about Aaron Biggerstaff at all?
Answer. Not as I understand it.
Question. Mr. Calton was there, Adolphus Depriest was there, and your father was there?
Answer. Yes, sir.

Redirect by counsel for defendants, (STRONG:)

Question. When was it you heard about it being at Biggerstaff's?
Answer. The next day at Sunday-school, about 10 o'clock; I heard of the whipping at Biggerstaff's the night before.
Question. Did you connect that with the hollering of the night before?
Answer. Yes, sir.
Question. The two connected this together in your mind, then?
Answer. Yes, sir.
Question. You say that it was stated by some that were there that the old lady was dying?
Answer. Yes, sir.
Question. They do sometimes make a noise in that country when a person dies?
Answer. Yes, sir.
Question. You say that you don't know that you heard anything that was said there that night?
Answer. No, sir. If I heard Biggerstaff's name mentioned that night it is more than I recollect of.

TESTIMONY OF MARTHA SMART.

Interrogatories by counsel for defense, (STRONG:)

Question. Do you know Barton Biggerstaff indicted here?
Answer. Yes, sir.
Question. Lloyd Early?
Answer. Yes, sir.
Question. Any kin to any of them?
Answer. No, sir.
Question. You know Mr. Aaron Biggerstaff?
Answer. Yes, sir.
Question. Do you know when that first raid was made upon him—the first time he was whipped—the Saturday night before Easter Sunday?
Answer. Yes, sir.
Question. When did you hear of it?
Answer. The next evening.
Question. Where did you stay that night?
Answer. At Lloyd Early's.
Question. Who did you see there that night?
Answer. Barton Biggerstaff.
Question. Who else?
Answer. Lloyd Early and Barton Biggerstaff, and nobody else but their own folks.
Question. Were you there when Barton Biggerstaff came there?
Answer. Yes, sir.
Question. How happened you to be there?
Answer. I went up on a visit, it being Easter time.
Question. Tell about Easter?
Answer. It is a day of festivity in that part of the country.
Question. What was Barton Biggerstaff there for?
Answer. He was there to see one of Lawson's girls.
Question. He was courting, was he?
Answer. Yes, sir.
Question. Which one of the girls did he go courting?
Answer. Margaret, the oldest one.
Question. Where did you stay that night?
Answer. I staid all night there.
Question. Which room?
Answer. The back room.
Question. Who with?
Answer. By myself. I didn't sleep well, but I laid by myself.
Question. Who laid in the same room with you?
Answer. Two of his daughters, Lloyd and myself, and Lloyd with his little brother.
Question. What time did you go to bed?
Answer. It was late; it was well on to 12 o'clock when I went to bed.
Question. Did you know when Lloyd and Early went to bed?
Answer. Yes, sir.
Question. Which went to bed first, he or you?
Answer. He was lying on the floor and his father came and woke him up, and I went in and went to bed, and after that he came in and went to bed too.
Question. What was Barton doing all this time?
Answer. He was sitting there by the fire.
Question. In which room?
Answer. In the fire-place room, and I was in the back room.
Question. How do you know Barton Biggerstaff staid there?
Answer. I heard him talking every once in a while.
Question. Who was he talking to?
Answer. Margaret.
Question. Was there any singing there that night?
Answer. Yes, sir.
Question. What did you sing?
Answer. Hymns.
Question. Any singing after you went to bed?
Answer. No, sir.
Question. Who sang?
Answer. Me and Margaret, and Barton and Lloyd, and another one of Lawson Early's little daughters.
Question. What time did he leave?
Answer. About day-break.
Question. That's Barton you speak of?
Answer. Yes, sir.

Question. What was the condition of Lloyd's health?
Answer. He was in a very weakly condition, indeed.
Question. What was the matter with him?
Answer. Fever, I think they said.
Question. He had been sick?
Answer. He had been sick all the summer—in a feeble condition.
Question. How far was this from Biggerstaff's?
Answer. About two miles, I reckon.

Cross-examination by PHILLIPS:

Interrogations by counsel for United States:

Question. Where do you live, man?
Answer. In Rutherford County.
Question. How far from Mr. Early's?
Answer. About two miles.
Question. Live with your father?
Answer. Yes, sir.
Question. You say you went over to Mr. Early's to visit at Easter time?
Answer. Yes, sir.
Question. That was Saturday evening?
Answer. Yes, sir.
Question. What time did you go over there?
Answer. About a half an hour by sun.
Question. What time did you go away?
Answer. I left there the next morning about 8 o'clock.
Question. You say Barton Biggerstaff left there about day-break?
Answer. Yes, sir.
Question. He was there courting?
Answer. Yes, sir.
Question. Did Miss Margaret stay up all night?
Answer. Yes, sir; they staid up until he went home.
Question. Did you listen to what they said all night?
Answer. No, sir; I didn't. I could hear their voices talking all night?
Question. Was the door shut between your room and theirs?
Answer. No, sir.
Question. Did you sleep in bed, or on the floor?
Answer. On the floor.
Question. Where did Lloyd sleep with his little brother?
Answer. On the bed.
Question. How many beds in the room?
Answer. Three.
Question. How many people were in the room?
Answer. Just four besides myself.
Question. What time of night was it you laid down?
Answer. About 12 o'clock, I suppose. I didn't sleep any until after he left, and I didn't sleep then. I sat up past my bed-tiine, and couldn't go to sleep; singing hymns, &c., excited me and I couldn't go to sleep.
Question. Did Barton and Miss Margaret sing any after you went to bed?
Answer. No, sir.
Question. You kept a watch on them all night?
Answer. I didn't watch them, but I could hear them.
Question. You went to bed and heard them all the time?
Answer. Yes, sir; but I couldn't hear what they were talking about.
Question. How far is that from Aaron Biggerstaff?
Answer. About two miles.
Question. Did you hear any more that night?
Answer. No, sir.
Question. Are you on the big road at Mr. Early's?
Answer. No, sir; it is not on the big road.
Question. When did they first talk with you about being a witness here, Miss Smart?
Answer. It was when they were to have the trial down in Shelby.
Question. How long was that afterward?
Answer. I don't recollect now, how long it was.
Question. What time did Lloyd come in to lay down?
Answer. It was between eleven and twelve o'clock when he went in to go to bed.
Question. Did you sleep well or badly?
Answer. When I go abroad that way my sleep aint sound.
Question. You are no kin to any of the persons?
Answer. No, sir, we are no kin at all; only the way we came kin my father married

Lawson Early's wife's sister, and she is my step-mother, and that's the way we claim kin.

Redirect examination by STRONG:

Interrogatories by counsel for defense:

Question. Are there any woods between Lawson Early's and Aaron Biggerstaff's?
Answer. Yes, sir.
Question. Did you ever receive a message from Aaron Biggerstaff not to attend this court?
Answer. Yes, sir.
Question. What was it?
Answer. Well, I heard that he sent me word not to come.
Question. Who told you?
Answer. A little boy of Irvin Whittaker's.
Question. Did you have any conversation with Mr. Biggerstaff about it?
Answer. No, sir.
Question. Who delivered this message that you received, did you say?
Answer. A little boy of Irvin Whittaker's.

TESTIMONY OF MARGARET EARLY

Interrogatories by counsel for defense:

Question. What kin are you to Mr. Lawson Early?
Answer. I am his daughter.
Question. What kin are you to Mr. Lloyd Early?
Answer. He is my brother.
Question. Do you remember when that first raid, as they call it, on Mr. Aaron Biggerstaff took place?
Answer. It was Saturday night before the second Sunday.
Question. What particular Sunday was it?
Answer. Well, sir, it was Saturday night before the second Sunday.
Question. In what month was that?
Answer. In April of this year.
Question. When did you first hear of this beating of Mr. Biggerstaff?
Answer. I never heard it until Sunday evening; it was said to have taken place on Saturday, the evening before.
Question. Where were you on that Saturday night?
Answer. I was at home.
Question. Who else were there?
Answer. Barton Biggerstaff was there, and Martha Smart.
Question. When did you go to bed?
Answer. Nearly daylight.
Question. What kept you up so late?
Answer. Just talking to Barton Biggerstaff; we talked until just before day.
Question. What became of Barton then?
Answer. He went home just before daylight.
Question. Who was in the room with you?
Answer. My father and mother; they had gone to bed, and we were sitting there, talking.
Question. Which room did Martha Smart sleep in?
Answer. In the back room; and Lloyd and my little brother slept in one bed, and my little sister in the other—all in the same room.
Question. Martha Smart slept in the back room? What time did Martha Smart go to bed?
Answer. About 11 o'clock.
Question. Was there any way of Lloyd getting out, except by that door?
Answer. No, sir.
Question. What was the condition of Lloyd's health then?
Answer. He was sick then, and had been sick ever since Christmas—in a bad state of health.
Question. What was the matter with him?
Answer. Well, I don't know what was the matter; I think it was the fever.
Question. You are certain that Barton didn't go off?
Answer. Yes, sir.

No cross-examination.

TESTIMONY OF MALINDA BIGGERSTAFF.

Interrogatories by counsel for defense, (STRONG:)

Question. What relation are you to Samuel Biggerstaff?

Answer. He is my father.
Question. Do you know Mr. Aaron Biggerstaff?
Answer. Yes, sir.
Question. Do you remember when that first raid, as they call it, was made on him?
Answer. Yes, sir. It was Saturday night before Easter Sunday.
Question. When did you first hear of it afterward?
Answer. After 12 o'clock at the Sunday-school.
Question. Who from?
Answer. The Sunday-school children.
Question. Where were you that Saturday night when this took place?
Answer. At home.
Question. Tell about your father now.
Answer. He had been after a load of corn.
Question. Where had he been after it?
Answer. On Cane Creek.
Question. What time did he come home that night?
Answer. After 10 o'clock.
Question. Who went with him to Cane Creek?
Answer. My mother.
Question. Did he get any corn?
Answer. Yes, sir.
Question. What time did he get home?
Answer. After 10 o'clock.
Question. How did you know that?
Answer. I was up and saw him.
Question. What did he do after he got home?
Answer. He ate his dinner or supper and went to bed.
Question. What time was it when he went to bed?
Answer. Near 11 o'clock.
Question. Did you see him after that that night?
Answer. I saw him in bed at 12 o'clock and at 1 o'clock.
Question. How did you happen to see him at those hours?
Answer. Well, I got up with my mother, or I got up for her, and then I saw him in bed.
Question. What did you get up for at 1 o'clock?
Answer. Well, I just got up because I wanted to.
Question. How far did you live from Aaron Biggerstaff?
Answer. Nearly two miles.
Question. Do you know Alfred Biggerstaff?
Answer. Yes, sir.
Question. Do you know Barton Biggerstaff?
Answer. Yes, sir.
Question. What kin are you to them?
Answer. My brothers.
Question. What are their habits about swearing?
Answer. They are not in the habit of swearing; they are members of the Baptist Church.
Question. How long had Alfred been a member of the Baptist Church?
Answer. A right smart while. I can't tell exactly how long.
Question. How long had Barton been a member?
Answer. He hadn't been a member as long as Alfred.
Question. He was a member at that time?
Answer. Yes, sir.
Question. Samuel Biggerstaff is your father?
Answer. Yes, sir.
Question. Is he a member of the church?
Answer. Yes, sir.
Question. How long has he been a member?
Answer. About a year, I reckon.
Question. Do you mean a year now, or that time?
Answer. About a year since he joined.
Question. Is he in the habit of swearing?
Answer. No, sir; he doesn't swear.

Cross-examination:

Interrogatories by counsel for the United States, (PHILLIPS:)

Question. Do you know Mr. Lawson Early?
Answer. Yes, sir.
Question. Is he a member of the church?
Answer. Yes, sir.

Question. Is Lloyd a member of the church?
Answer. Yes, sir.
Question. Is William Depriest a member of the church?
Answer. Yes, sir.
Question. Is Joseph Depriest a member of the church?
Answer. No, sir.
Question. Do you know Taylor Carson? Is he a member of the church?
Answer. I don't know, sir.
Question. Do you know Mr. Olin Carson?
Answer. Yes, sir.
Question. Is he a member of the church?
Answer. I don't know, sir.
Question. Do you know Mr. James Sweazy?
Answer. Yes, sir.
Question. Is he a member of the church?
Answer. I don't know, sir.
Question. Amos Owens?
Answer. No, sir.
Question. Jason Wethrow?
Answer. I don't know, sir, whether he is or not.
Question. Benjamin Fortune—is he a member of the church?
Answer. I don't know, sir.
Question. Tom Fortune?
Answer. Yes, sir.
Question. Joseph Fortune?
Answer. He is a member of the church.
Question. Leander Toms?
Answer. I don't know whether he is or not.
Question. Daniel Fortune—is he a member of the church?
Answer. No, sir; I think not.
Question. Beverly Gould?
Answer. I think not.
Question. Joseph Wilson?
Answer. I think not.
Question. Alfred Early—is he a member of the church?
Answer. Yes, sir.
Question. Mr. James McDaniels?
Answer. I don't know, sir.
Question. Achilles Durham?
Answer. I don't know him.
Question. Lawson Teal?
Answer. I think not, sir.
Question. Joseph Fortune—which church does he belong to?
Answer. Baptist, I think.
Question. Do you know if Julius Fortune is a member of the church?
Answer. Yes, sir.

Redirect examination by STRONG:

Question. You say that Joseph Fortune is a member of the church?
Answer. He has been.
Question. Hasn't Joseph Fortune been turned out of the church?
Answer. I don't know whether he has or not.

TESTIMONY OF MOSES M'DANIEL.

Interrogatories by counsel for defendants, (Mr. STRONG:)

Question. Are you acquainted with Joseph McDaniel, indicted here?
Answer. He is my son.
Question. Do you know Mr. Aaron Biggerstaff?
Answer. I have seen him, but I have no great acquaintance with him.
Question. Do you remember about the first raid?
Answer. I think it was committed on or about the 1st of April.
Question. How long afterward did you hear of that?
Answer. The next day. I was sick, and my brother's son came down to visit me; he told me about it.
Question. Where was Joseph McDaniel that night?
Answer. He was at my house; he staid there all night.
Question. What time did you go to bed?
Answer. Something after 10 o'clock.

Question. Where was Joseph then?
Answer. He was there.
Question. Did he go to bed?
Answer. Yes, sir.
Question. Where did Joseph sleep?
Answer. In the house.
Question. What room did he sleep in?
Answer. He slept in the same room that I did. I was awake a good deal during the night.
Question. Did or did you not see him during the night?
Answer. I seen him the most of the night.
Question. How did you see him?
Answer. Well, I would be passing his bed.
Question. What time did you go to bed?
Answer. Well, it was after 10 o'clock when I laid down.
Question. You laid down before he did.
Answer. Yes, sir.
Question. Did he get up any more that night?
Answer. Not any more that I know of.
Question. Did you or did you not hear him during the night?
Answer. No, sir; I don't know as I did.
Question. How far do you live from Biggerstaff?
Answer. Nine or ten miles.
Question. Who else was there that night, sir?
Answer. Well, there was my wife, and daughter, and Joseph McDaniel's wife.
Question. Does he live with you?
Answer. No, sir; he came to see me because I was sick.
Question. What was the matter with you?
Answer. Well, I was bad off; something the matter with my breast. I fell a time or two, with a sort of smothering.
Question. How old a man are you?
Answer. I am seventy-three years old.

Cross-examined by counsel for United States, (Mr. PHILLIPS.)

Question. Did you ever see any of these disguised men?
Answer. I did. I had been to a corn-shelling and was there till late, and as I went home I saw ten or twelve of them.
Question. How long ago was that?
Answer. It was some time in the spring, I reckon.
Question. This past spring?
Answer. Yes, sir.
Question. How many were there did you say?
Answer. I don't know how many, ten or twelve, I reckon.
Question. On horseback?
Answer. Yes, sir.
Question. Anything pass between you?
Answer. Only they asked me who I was and where I lived.

TESTIMONY OF J. L. M'DANIEL.

Interrogatories by counsel for defendants, (Mr. STRONG:)

Question. Do you know Mr. James McDaniel, indicted here?
Answer. Yes, sir.
Question. What kin are you to him?
Answer. My own cousin.
Question. Do you know Mr. Aaron V. Biggerstaff?
Answer. Yes, sir; I know the man.
Question. Did you hear about this first raid that was made on him?
Answer. Yes, sir.
Question. When was it?
Answer. It was on Saturday night before the second Sunday in last April.
Question. Do you know where Mr. James McDaniel was on that night?
Answer. Yes, sir; I was with him at his house part of the time, and at a neighbor's house part of the time.
Question. Is he a married man with a family?
Answer. Yes, sir.
Question. How did you happen to go there?
Answer. I had started out to go up the road a piece, and went by his house and he went with me.

Question. What were you going for?
Answer. We were going to a meeting.
Question. What kind of a meeting?
Answer. It was termed a meeting of the Invisible Empire.
Question. How long did you stay at his house—this neighbor's?
Answer. As we went on we staid some half hour, probably.
Question. Where did you go then?
Answer. We went on and stopped at a gentleman's house for a while.
Question. How long were you with him?
Answer. From before dark until some time after midnight. I could not state the time exactly, for I had no time-piece. I know it must have been a considerable after midnight. I heard the clock of a neighbor strike one. I was with him then, and we went on to his house and talked a little, and then I went on home and left him.
Question. You were with him all the time?
Answer. Yes, sir. There may have been a few minutes which I was not.
Question. How far is his house from Mr. Aaron Biggerstaff's?
Answer. Some seven or eight miles, I think. I don't know that the road is posted.
Question. Did you go in the direction of Mr. Biggerstaff's?
Answer. Yes, sir.
Question. How far did you go?
Answer. Some two miles from my house.
Question. How far was it, then, from Mr. James McDaniel's house?
Answer. Some eight or nine miles, I think. Then I went some two miles in the direction where Mr. Biggerstaff lived.
Question. Did you go to Mr. Biggerstaff's that night?
Answer. No, sir. We didn't go there at all. We only went two miles in that direction. We were both walking.
Question. Did you see Achilles Durham that night?
Answer. Yes, sir.
Question. Where was he?
Answer. He was at home, at his house, and we stopped and talked with him.
Question. Did you see him again that night?
Answer. Yes, sir; I saw him as we came back, and talked with him maybe some two or three hours.
Question. When you came back, now, what time was it?
Answer. It must have been somewhere between 10 and 11 o'clock, and we stopped there and staid there till I heard his clock strike one.
Question. Did Achilles Durham go?
Answer. Well, he was there when I passed both ways.
Question. How far did Achilles Durham live from Mr. Biggerstaff?
Answer. About the same distance. I may be a little mistaken in the distance, for the road is not posted. It is guess-work with me.
Question. Are you a member of the Invisible Empire?
Answer. Well, I don't remember that I am now.
Question. Were you ever a member of the Invisible Empire?
Answer. Well, I claim that I was.
Question. When did you join it, sir?
Answer. Somewhere about the 1st of last April.
Question. Will you be good enough to state to his honor and the jury what was the object of it, as stated to you?
Answer. Well, I talked with a man, and he told me that there was nothing in it contrary to the laws of the land.
Question. Who initiated you, sir?
Answer. A gentleman by the name of Martin.
Question. State all that took place on that occasion, sir, as well as you recollect.
Answer. The pledge I could not repeat. The first of it, I think, was, that we were in in favor of the Constitution in its original purity and that we believed in white men's ruling America. We were pledged to support each other when imposed upon. If a man, through his own conduct, got into any fuss, or anything, he had to get himself out; but if combined forces came on him we had to support each other.
Question. That was part of the oath you took?
Answer. Yes, sir. We also pledged ourselves to support a white man's government, so far as voting was concerned, and that we would keep the secrets of the organization, I think.
Question. Was or was not anything said about widows and orphans?
Answer. Yes, sir; we were to protect families, widows, and children, I think. It seems like there was something else but I can't repeat it.
Question. Just listen to this, sir, and tell me whether you have ever heard it before:
(Reads oath of the Invisible Empire.)
Answer. Not just in that way till I heard it here in the court-house.

Question. Well, I'll read the first clause. [Reads.] "I, before the Great Immaculate God of heaven and earth, do take and subscribe to the following sacred binding oath and obligation." Did you ever hear that before?

Answer. There was something like that.

Question. [Reads.] "I promise and swear that I will uphold and defend the Constitution of the United States as it was handed down by our forefathers in its original purity."

Answer. There was something about, in favor—I think the word "in favor" was in it. I am satisfied that it was in favor of the Constitution. That was the only way I took it.

Question. [Reads:] "I promise and swear that I will reject and oppose the principles of the radical party in all its forms, and forever maintain and contend that intelligent white men shall govern this country."

Answer. There was something of the kind in there, but not just exactly like that. We were in favor of white men's ruling this country. There was something in regard to the opposition of the radical rule, but it was not just in the form which it is there.

Question. (Reads:) "I promise and pledge myself to assist, according to my pecuniary circumstances, all brothers in distress."

Answer. I don't think that was there.

Question. (Reads:) "Females, widows, and their households, shall ever be specially in my care and protection."

Answer. There was something of that kind, but not just in the words; something like it.

Question. (Reads:) "I promise and swear that I will obey all instructions given me by my chief——

Answer. I never taken any such oath as that part.

Question. (Reads:) "And should I ever divulge, or cause to be divulged, any secrets, signs, or pass-words of the Invisible Empire, I must meet with the fearful and the just penalty of the traitor, which is death, death, death, at the hands of the brethren."

Answer. There was something of that in it; I could not state whether that is just the way or not.

Question. Where were you initiated, sir?

Answer. Just in the edge of Cleveland County, at a person's house.

Question. Who initiated you?

Answer. A man by the name of Martin.

Question. What was this order called?

Answer. It was called the Invisible Empire. I recollect distinctly that it was not against the laws of the country; that we were not required to go against the laws of the United States or of this State. They called my attention to that fact.

Question. What other instructions did you receive?

Answer. Nothing from him, sir. I talked with him but a very few minutes.

Question. Did you receive any instructions different from that?

Answer. I heard another gentleman speak of something like the same afterwards, in which he stated that the Constitution of the United States and of this State were to be respected, or I would not have joined. I never received any other instructions or understanding but that—that the laws of the country were to be respected.

Question. What did you understand to be the object of this order?

Answer. My understanding was simply that it was a combination for self-protection.

Question. Did it have anything to do with increasing the strength of any party?

Answer. I don't know, sir, about that; it was not named at that time.

Question. State to his honor whether or not it was a part of the object to keep the colored man from voting, or any man from voting, on account of race, color, or previous condition.

Answer. If it was so I never understood it at all.

Question. State whether or not it was—so far as you understood it—to prevent any person from voting who was entitled to vote.

Answer. I didn't, for if I did I should never have gone into it. It was a right that I claimed for myself, and a right that I thought belonged to others.

Cross-examined by counsel for United States, (PHILLIPS:)

Question. How old are you, sir?

Answer. Forty-one years old.

Question. Where do you reside?

Answer. In Rutherford County.

Question. Reside where you now live, in that neighborhood?

Answer. I have lived there for about twenty years.

Question. Pretty well acquainted in the county?

Answer. Yes, sir; in some parts of it.

Question. What's your business?

Answer. Farming.
Question. A married man?
Answer. Yes, sir.
Question. James and Joseph—are they brothers?
Answer. Yes, sir.
Question. Which of the two do you say you were with the night of the raid on Biggerstaff?
Answer. James; he is the older of the brothers.
Question. Did I understand you to say you were at his house?
Answer. I passed there about dusk.
Question. How long have you been a member?
Answer. Since April.
Question. You have been living in the county?
Answer. Yes, sir.
Question. You were initiated by Mr. Martin?
Answer. Yes, sir.
Question. Was anybody else present when you were initiated?
Answer. No, sir.
Question. What did he do?
Answer. He just merely read over or repeated what I told you. I was out hunting cows when I passed him, and we just staid a few minutes together.
Question. You were hunting cows and found the Invisible Empire?
Answer. Yes, sir; my cattle had got into his field the day before, and I thought probably they might be in there again, and I had went back to see if I could find them again.
Question. How far does he live from you?
Answer. Something over a mile.
Question. What time of day was it?
Answer. Some time between sunset and dark.
Question. Did you make the proposition to join?
Answer. Yes, sir; I made the proposition to Mr. Martin, and asked him if he knew anything about it. I had heard something before, and was recommended to him for an explanation. I asked him for some information, and he initiated me and told me I might go in or go on.
Question. You don't think it is the same oath that is here?
Answer. No, sir, it is not the same, but there are a good many things in it. The words were changed from what they are there.
Question. What was said about the Constitution?
Answer. As well as I recollect that, it was "in favor;" that was the word used. He wrote it down for me, in favor of the original Constitution.
Question. That you were to be in favor of the original Constitution?
Answer. With the exception of negro slavery.
Question. Was that a part of the explanation or part of the oath?
Answer. Part of the oath.
Question. How did he swear you?
Answer. I repeated after him.
Question. Was there anything said about death?
Answer. I think there was something pretty much like what was read here.
Question. Did you ask him why they put the penalty of death for taking a lawful oath?
Answer. I don't know.
Question. Didn't it strike you as surprising that there should be such a penalty for doing a lawful act?
Answer. Well, I was a little excited, but I swallowed it down.
Question. What were the secrets?
Answer. I didn't know at that time.
Question. You agreed that you should be put to death by the brethren, although you had joined a lawful society?
Answer. Yes, sir.
Question. You called that a lawful society, didn't you?
Answer. I didn't consider it as unlawful until since the last bill was passed by Congress in regard to such organizations.
Question. Didn't you know that there was a State law against it?
Answer. I found that out afterwards. I don't recollect that I thought anything about it then.
Question. It didn't come to your mind at all?
Answer. No, sir.
Question. Had you ever heard of any of the raids in the county?
Answer. Yes, sir.
Question. Who were they said to be by?

Answer. They were said to be by the Ku-Klux, but I was told there that that was not the Ku-Klux, but the Invisible Empire.

Question. What did you ask to join when you asked Mr. Martin?

Answer. It was an organization that was said to be in the country, but the man that told me of it didn't tell me any name, but told me it wasn't the Ku-Klux.

Question. What did you ask Mr. Martin?

Answer. Well, I told him there was an organization said to be in the country against any unlawful act——

Question. What did you mean by unlawful act?

Answer. Well, impositions upon families.

Question. Is that all?

Answer. That was one of the principal points.

Question. What else?

Answer. Well, the whole thing, as I understood it at that time, was for mutual protection.

Question. Protection against what?

Answer. Anything that might come on us.

Question. From whom?

Answer. From any source whatever.

Question. What did you apprehend would come on you?

Answer. I was fearful of a good many things. I heard that there was a heap of threats of burning up the conservative party. I had had it thrown up to me that I belonged to that organization at a time when I didn't belong to it. That was one of my reasons for examining into this thing. I wanted to join it for the purpose that I have told you before.

Question. What raids had you heard of?

Answer. I don't know that I can name the raids. I had seen them in the papers frequently.

Question. What newspapers?

Answer. I had seen an account of them in the two papers that were published there in Rutherfordton.

Question. Give us some of them?

Answer. Well, there was some down in Chester, South Carolina.

Question. What about the raids in Rutherford County?

Answer. I don't recollect of any immediately around where I live.

Question. Had you heard of any in Rutherford County?

Answer. I think there had been one upon a black man there just above me four or five miles.

Question. What other?

Answer. I don't know at that time. I had heard of one in Cleveland.

Question. What other raids, Mr. McDaniels?

Answer. I had heard before of a raid that was committed on a black man at Mr. Logan's.

Question. These were by the Ku-Klux, were they?

Answer. Yes, sir. I had heard some talk of a raid up in the mountain by the Ku-Klux.

Question. When was that?

Answer. Some time previous, as well as I recollect.

Question. What other?

Answer. I don't know that I can name them.

Question. But you had heard of others?

Answer. I had heard of raids and raiding some in the country.

Question. Give us some other raids?

Answer. I don't know that I have heard of any more raids. I don't know that I can name any more.

Question. When had you heard of the first?

Answer. I can't tell you, sir.

Question. Did you hear of the McGaha raid?

Answer. Yes, sir; that's the raid I speak of, in the mountain.

Question. When did that occur—in 1869?

Answer. I could not state the date now. I think that it was as much as a year before.

Question. Hadn't you heard of as many as a half a dozen?

Answer. It is quite likely I have. I wouldn't say how many I had or hadn't.

Question. Had you heard of as many as a hundred?

Answer. I can't say.

Question. Had you heard of as many as twenty?

Answer. I don't think I have.

Question. Have you heard of as many as twelve?

Answer. Well, sir, I couldn't name that many. Probably I might have heard of

eight or ten, or a dozen, in the course of a year or so, said to have been by the Ku-Klux, and some under the name of the Ku-Klux. The Ku-Klux was connected with them all.

Question. But you thought that this was a new organization, didn't you?

Answer. I didn't believe it was the organization operating in the country around there.

Question. Who was the man that talked to you first about it?

Answer. Mr. Pruett.

Question. At the time you joined, Mr. Martin told you it was entirely lawful.

Answer. I don't know that he called that then in speaking to me. Mr. Martin told me that there was nothing in it now in opposition to the State or the United States laws.

Question. What about the Constitution?

Answer. With the Constitution as it was read here. That we were in favor of the original Constitution, with the exception of slavery.

Question. How about the Fourteenth and Fifteenth amendments?

Answer. I didn't consider that we was in opposition to it.

Question. Why did you mean to say you are in favor of the Constitution except slavery?

Answer. I thought that the Invisible Empire was in favor of everything except slavery.

Question. Weren't you in favor of the whole Constitution?

Answer. Yes, sir; except slavery.

Question. Was not this Invisible Empire in favor of the whole Constitution of the United States as it was in April, 1871?

Answer. Yes, sir.

Question. You understood that the Invisible Empire was an association in support of the whole Constitution, the whole of the United States Constitution, as it stood in April, 1871?

Answer. Yes, sir; I just understood it in that way. That I was in favor of all the amendments to the Constitution; all the amendments except slavery.

Question. What did you mean by the original Constitution?

Answer. Well, sir, it was put there before I knew anything about it.

Question. You had no idea that this Invisible Empire was the same as Ku-Klux?

Answer. I didn't, sir.

Question. Who was it protection for?

Answer. I don't know who it was, but for the people in general, as far as joined, of both parties.

Question. Were all the people going to join this party?

Answer. Well, I don't know about that, sir.

Question. Who did you think were going to be protected?

Answer. Why, those that joined the organization, against any party that might come upon us.

Question. Did you understand that it was against the radical party?

Answer. It was only against the radical party by voting. All the radicalism that was objected to was to be done by voting. I didn't understand that I was decreed to vote for anybody except those whom I chose to.

Question. What did you mean by "opposing radicalism in all its forms?"

Answer. I didn't say we swore in that way.

Question. You mean to say you swore to something you didn't understand?

Answer. I suppose I understood it then. I expected to vote for republicans if I saw fit.

Question. That oath was taken in last April?

Answer. If I understand, it was taken Friday evening the 2d of April, I think.

Question. Did you ever hear anybody else take it?

Answer. Yes, sir.

Question. How many times?

Answer. Not more than two or three.

Question. Who have you heard take it?

Answer. A man named Webb and another named Spalding.

Question. Tell me what you understood by rejecting the principles of the radical party.

Answer. I don't think that I swore that I would reject the principles. I could not say just what I did swear. I heard it only about three or four times.

Question. You say that you were in a meeting of the den the night that Mr. Biggerstaff was whipped?

Answer. Yes, sir.

Question. Which one of the McDaniels was with you?

Answer. James McDaniel.

Question. How far was that from Biggerstaff's?

Answer. Some six, or seven, or eight, miles.

Question. Where did you meet, in the woods?
Answer. No, sir; in an old field.
Question. How many were present?
Answer. I don't know, sir.
Question. What time did you leave Mr. McDaniel at last?
Answer. I don't know, sir, exactly at what time. When I left McDurham's he was with me. It was probably an hour after that, may be not so long.
Question. Who was it you left at 1 o'clock?
Answer. Mr. Durham.
Question. Did you see any disguised men that night?
Answer. Yes, sir.
Question. Who?
Answer. These were all disguised, but I don't know that I could say just who they were.
Question. Where were they?
Answer. Just at this place of meeting.
Question. Were there any horses there?
Answer. I didn't see any there. I would not say there was not, because I don't know.
Question. Is Mr. Joe McDaniel a member of the Empire?
Answer. I suppose he is. I could not swear that he was a member of the order.
Question. You never passed the signs with him?
Answer. No, sir.
Question. Is their father a member of the order?
Answer. If he is I don't know it.

Re-direct by Mr. STRONG:

Question. I understand you to say that you voted both ways?
Answer. Yes, sir.
Question. When did you last vote the republican ticket?
Answer. In the election before this last; that is, I divided the ticket.
Question. When was that?
Answer. It was when the election was for members of the legislature. For the county commissioners I voted for two on each side.
Question. When you joined this Invisible Empire you believed that it was resistance to and did not have for its object these outrages?
Answer. That's what I believed.
Question. During your connection with the order, did you ever have any other understanding?
Answer. No, sir; so far as I was instructed and knew, I never knew it to have any other object than protection from these outrages.

TESTIMONY OF JOSIAH TURNER.

Interrogatories by counsel for the defense, (STRONG:)

Question. State to his honor, and to the jury there, whether you have ever been a member of any secret society?
Answer. I have never been, at any time whatever, of any secret society whatever, of any sort whatever.
Question. Did you ever give any instructions to Mr. McAfee, or any other person, in relation to the Invisible Empire?
(This question was suggested by the witness in a whisper to the counsel.)
Counsel for United States, (Mr. PHILLIPS.) O, no, no. Come, we can't allow anything like that. We object to his testifying in his own behalf.
The court sustained the objection.

TESTIMONY OF G. V. PRUETT.

Interrogatories by counsel for defense:

Question. Do you know Mr. James McDaniels?
Answer. Yes, sir.
Question. Do you know Mr. Aaron Biggerstaff?
Answer. Yes, sir.
Question. Do you know the night when that first raid was made upon him, sir.
Answer. Yes, sir; I think I do.
Question. What night was that, sir?
Answer. I think it was the Saturday night before the second Sunday in April.
Question. Where was Mr. James McDaniels and Achilles Durham that night?
Answer. They were with me that night, or I was with them.

Question. State about Mr. James McDaniels?
Answer. I got with him just before dark, and him and I went up to Mr. Achilles Durham's.
Question. What time did you go up to Durham's?
Answer. It was getting dark.
Question. How long did you stay there?
Answer. We stayed there probably as long as a half an hour.
Question. Where did you go then?
Answer. We went up to a little meeting up there?
Question. Were you in company with these gentlemen or not?
Answer. I was with Mr. McDaniels, but I left Mr. Durham at home.
Question. When did you leave this meeting?
Answer. Something like 9 o'clock.
Question. Where did you go then?
Answer. We came back to Mr. Durham's
Question. How long did you stay there?
Answer. Until 1 o'clock.
Question. Where did you go then?
Answer. We came on down to Mr. James McDaniel's.
Question. You stopped at Mr. Durham's as you came back; did you find him there then?
Answer. Yes, sir.
Question. How far is it from the house of McDaniels to the house of Mr. Aaron Biggerstaff?
Answer. I don't know as I can tell you, probably seven or eight miles, and probably more than that. I don't know the distance.
Question. How far do you think it is from the house of Mr. Achilles Durham?
Answer. It is probably some half a mile nearer.
Question. You have been a member of this Invisible Empire?
Answer. Yes, sir; I have been.
Question. Have you ever been before Judge Logan?
Answer. No, sir.
Question. Who initiated you?
Answer. J. M. Nicholson.
Question. Have you ever been before Mr. Scuggins?
Answer. Yes, sir.
Question. Did Scuggins ever tell you he was a member?
Answer. No, sir; I don't know whether he is or not.
Question. Did you ever give him the signs?
Answer. No, sir; I don't know whether he is or not.
Question. When did you join the Invisible Empire?
Answer. Last February or March. I am not positive which
Question. Who initiated you?
Answer. Mr. John Nicholson.
Question. Did you take an oath, sir?
Answer. Yes, sir.
Question. Do you remember it?
Answer. No, sir; I can't tell you what the oath was.
Question. What did you understand to be the objects of the order?
Answer. Well, it was for mutual protection.
Question. I ask you whether or not it was the understanding that you should violate the laws of the United States or the State?
Answer. That never was my understanding.
Question. Was it or was it not the understanding that you should commit any of these unlawful raids, or anything like that?
Answer. No, sir; I never understood that the order was for that purpose.

Cross-examination.

Interrogatories by counsel for United States, (PHILLIPS:)

Question. Were you ever on a raid yourself?
Answer. I never was on a raid.
Question. Who is Mr. Nicholson?
Answer. He is a man living in Cleveland County.
Question. Are you a Cleveland man?
Answer. No, sir; I live just in the edge of Rutherford.
Question. Who do you live with?
Answer. With Mr. McDaniels, two of the Mr. Harrills, and Mr. Dave Beam.
Question. Do you know Pinckney Tisdale?
Answer. No, sir.
Question. What "Den" did you belong to?

Aaswer. I joined in Cleveland. I don't know the name of the "Den."
Question. How many times were you at the "Den?"
Answer. Twice; the first time was in February or March, and it was some time before I was there again.
Question. Was McDaniels there?
Answer. No, sir.
Question. Did you hear of any raids being in the county?
Answer. Yes, sir; I heard of some before I joined.
Question. How many?
Answer. I don't recollect. I could hear of some off in a distance, and some right close.
Question. Did you hear of as many as a dozen?
Answer. No, sir.
Question. You heard of the Dick Beam raid?
Answer. Yes, sir.
Question. Did you ever hear of the McGaha raid?
Answer. Yes; I heard of that.
Question. Did you hear of any raids in the southern part of the county?
Answer. I don't recollect whether I have or not.
Question. Would you know the oath if you would hear it repeated?
Answer. Yes, sir; I expect I would.
Question. Who were all those raids in the county said to be by?
Answer. They were said to be by the Ku-Klux.
Question. Was this Invisible Empire that you joined the same thing?
Answer. Yes, sir; I supposed it to be the same thing.
Question. You didn't know whether it was that party, or whether only persons who went under the name of that party?
Answer. Yes, sir.
Question. They claimed to go under that name?
Answer. Yes, sir.
Question. Did they claim the name of the Invisible Empire?
Answer. I don't know. I didn't hear whethey they claimed that name or not.
Question. Did the public give them that name?
Answer. Yes, sir; it was charged that it was the Ku-Klux that made those raids.
Question. And you joined the Invisible Empire?
Answer. Yes, sir.
Question. And you supposed it was the same as the Ku-Klux?
Answer. Yes, sir. I supposed, sir.
Question. Was anything said about the Constitution of the United States in the oath?
Answer. Yes, sir; they were sworn to support both the Constitution of the United States and of the State.
Question. Was anything said about families, widows, and orphans?
Answer. Yes, sir; we were to protect them.
Question. Was anything said about the radical party?
Answer. Yes, sir; there was something said, but I don't recollect what it was.
Question. Was anything said about death?
Answer. Yes, sir.
Question. What was it?
Answer. If I ever divulged, or caused to be divulged——
Question. What, sir?
Answer. The signs and the pass-words, I suppose.
Question. What were the signs?
Answer. Well, sir, they had different signs. There was a sign by running your right hand down the lapel of your coat on the right side, and the other party would do the same with his other hand and on the other side of his coat; then there was a sign to run your forefinger of the right hand behind the right ear, and the other party would do the same with opposite hand and ear; then there was a pocket sign, to run the right hand in the right pocket and place the heel of the left foot to the inside of the right, and the other party would reverse it. We had, also, a sign by shaking hands to press your forefinger against the palm of the other person's hand, and he would answer by squeezing your two middle fingers. If I ever divulged these it was to be death at the hands of the brethren.
Question. How long did you stay in the order?
Answer. It was just a month or three weeks, I won't be positive. The "Den" where I joined broke up.
Question. How did they disband?
Answer. They just said there would be no more of it.
Question. Why did you join it?

Answer. That's a pretty hard question. I don't know as I can tell you hardly what was the reason.

Question. Did you join only to find out what the secrets were?

Answer. I, of course, would like to know what it was; if there was anything good in it I should like to share in it.

Question. You don't recollect the oath?

Answer. I can't tell you.

Question. Did you swear to obey your commander?

Answer. No, sir.

Question. How did they swear you?

Answer. I repeated as he said it.

Redirect examination:

Question. What are your politics?

Answer. My politics have been partially on both sides—republican and democratic both. I voted generally with the democratic party.

Question. These raids, as I understand you to say, were said to be of the Ku-Klux?

Answer. Yes, sir.

Question. You said you voted sometimes one way and sometimes another. When have you voted the republican ticket?

Answer. At this last election,

Question. What did you do before?

Answer. I voted the democratic ticket partially.

Question. How did you vote in '70?

Answer. I voted the democratic ticket.

Question. Before that?

Answer. That, I think, probably was the first time I ever did vote.

Question. How was it that you voted the republican ticket; at what election was that?

Answer. For the convention.

Question. Did you or did you not think that there was anything in the oath that prevented you from voting the republican ticket?

Answer. I didn't think that there was anything in the oath that prevented me from voting as I pleased.

TESTIMONY OF ELIAS HAMBRICK.

Interrogatories by counsel for the defendants, (Mr. STRONG:)

Question. Mr. Hambrick, what are your politics, sir?

Answer. Well, sir, I generally vote the republican ticket. I never voted any other kind outside of the township election.

Question. State whether you have ever been a member of the Invisible Empire?

Answer. Yes, sir; I was a member of it awhile.

Question. When did you join, sir?

Answer. The last of last February.

Question. When did you cease to be a member?

Answer. About the 20th or 25th of April,

Question. Who initiated you?

Answer. Mr. Franklin Green.

Question. Where?

Answer. On the edge of Rutherford.

Question. State what was said to be the object of the order when you joined them?

Answer. Well, we were just sworn to support the laws and Constitution of the United States and of the State of North Carolina.

Question. Anything else?

Answer. There was some other little things, but I don't know as I can remember them.

Question. State whether or not it was your understanding that you could vote as you pleased.

Answer. I was told I could vote as I pleased.

Question. Well, sir, you say he told you that you could vote for anybody that you pleased?

Answer. Yes, sir; I told him I would not go into any organization that I could not vote as I pleased.

Question. Were you to interfere with any other man about voting—negroes, or anybody, white or colored?

Answer. No, sir; no man's voting at all.

Cross-examined by Mr. PHILLIPS:

Question. You say you joined when, sir?

Answer. About the last of February, to the best of my recollection.
Question. How old are you, Mr. Hambrick?
Answer. Twenty-six years old.
Question. What part of the country do you live?
Answer. Some four or five miles from the lower edge of Rutherford.
Question. How far from Cleveland County?
Answer. About five miles from Cleveland.
Question. What Den did you belong to?
Answer. It was not numbered. The Den was organized and reported to what was said to be the chief of the county, and he would not receive it because we must come to him, and we just dropped it.
Question. Was not the Invisible Empire that you belonged to there to build up the radical party?
Answer. Yes, sir.
Question. You told Mr. Green that you must vote as you pleased?
Answer. Yes, sir.
Question. Did the oath say anything about the radical party?
Answer. Yes, sir; a little grain.
Question. What little grain was that?
Answer. To oppose the corruption of the radical party. That was all the oath that I had taken about the radical party.
Question. Did they read the oath to you?
Answer. No, sir; he knew it by heart.
Question. Was there anything about "the great immaculate God of Heaven and earth?"
Answer. Something.
Question. What did it say?
Answer. I don't know as I can repeat it.
Question. Where did the corruptions of the radical party come in?
Answer. It came in toward the last. I don't know exactly how it was placed.
Question. Did you ever administer this oath to anybody?
Answer. Yes, sir; it was wrote down when I administered it.
Question. How many people did you ever swear in?
Answer. Some seven or eight, I suppose.
Question. Was there anything about handing the Constitution of the United States down in its original purity?
Answer. It was not in the oath that I had.
Question. Did you swear to oppose the radical party according to this oath?
Answer. No, sir; only as to corruptions. We had taken an oath that we were in vor of intelligent white men ruling this country.
Question. Did you promise and swear to obey all instructions given you by your chief?
Answer. No, sir; there was nothing about obeying my chief in it.
Question. "*Death, death, death,* at the hands of the brethren." Was that in it?
Answer. Yes, sir.
Question. When did you first vote the radical ticket?
Answer. Ever since I got old enough to vote it. That is, outside of the township.
Question. You understood that in going into this kind of an organization you still kept your radical politics?
Answer. Yes, sir.
Question. Was anything said about colored men voting?
Answer. Never a word in my presence, sir.
Question. What was the Empire for?
Answer. I can't tell you, sir, what it was for. They told me it was for self-protection, but I didn't stay with them long enough to find out much about it.
Question. Did you go in it to keep from being raided on?
Answer. They never made any threats, but I didn't know what they might do.
Question. Were you afraid of being raided on?
Answer. No, sir; I wasn't. I didn't think they would raid on me.
Question. Had you ever heard of anybody being raided?
Answer. Yes, sir.
Question. What were they raided for?
Answer. Well, I never knew.
Question. Didn't you understand before you went in there that it was against the radicals?
Answer. No, sir.
Question. How many raids have you ever heard of?
Answer. Some two or three.
Question. Haven't you heard of as many as a half a dozen?
Answer. No, sir; I had heard of the Biggerstaff raid after I joined.

Question. How about the Beam raid?
Answer. That was before I joined it.
Question. You didn't know that it had anything to do with politics?
Answer. No, sir; there was nothing said about politics in it, except opposing the corruptions of the radical party; not that I could hear.
Question. Were you ever on a raid?
Answer. Yes, sir.
Question. Where?
Answer. On one or two, where there was a negro or two whipped.
Question. Who ordered you to go on them?
Answer. Well, the committee ordered me.
Question. Did you have a committee in your Den?
Answer. Yes, sir.
Question. Was that the den that Mr. Shotwell rejected?
Answer. Yes, sir.
Question. What did the committee order you to do?
Answer. To whip a negro.
Question. What did you whip him for?
Answer. For stealing corn.
Question. Did you try him or just whip him?
Answer. They tried him at the Den.
Question. Was he present when he was tried?
Answer. No, sir.
Question. They tried him in his absence?
Answer. Yes, sir.
Question. And ordered him to be whipped?
Answer. Yes, sir.
Question. Didn't you have a right to order them back?
Answer. Yes, sir; but they didn't obey orders every time.
Question. You were the chief?
Answer. Yes, sir.
Question. And they were sworn to obey you, and yet you could not make them turn back?
Answer. They wouldn't turn back, so I went along.
Question. What other raids were you ever on?
Answer. I was on a raid where a negro was whipped.
Question. Were you present when they tried him?
Answer. Yes, sir.
Question. What was it for?
Answer. For some threats he had made about killing any persons that bothered him.
Question. How long did they take to try him?
Answer. Not very long, sir.
Question. Did they find him guilty, unanimously?
Answer. No, sir; the committee tried him.
Question. Did you have an inner Den—two Dens in one?
Answer. No, sir; but the committee went out among themselves and came in and said he must be whipped.
Question. Didn't you go on that?
Answer. Yes, sir.
Question. Did you hate going?
Answer. Well, I don't know, sir. There was a good many drinking, and I didn't know what they might do, so I told them not to hurt the negro.
Question. What did you mean—just to whip him a little?
Answer. No, sir; but I told them they had better not hurt him.
Question. Have you ever been on any other raid?
Answer. Yes, sir; I was along another time on another negro.
Question. Did they say anything to the negro about voting?
Answer. No, sir; not that I heard.
Question. What other raid did you go on?
Answer. Well, sir, it was another negro.
Question. Did they try him in the Den, too?
Answer. No, sir.
Question. How came they to whip him, then?
Answer. Well, they came by one night, where myself and another man were, and told us they just wanted to let him see them, and scare him a little.
Question. Did they have on any disguises that night?
Answer. Yes, sir.
Question. Did you have any on?
Answer. Yes, sir; a kind of cloth over my head.
Question. Did you have on any horns?

Answer. Yes, sir.
Question. Were all these raids in North Carolina?
Answer. Yes, sir.
Question. You just went to show yourself, then?
Answer. That's what they said.
Question. What else?
Answer. That's all I can tell you, I believe.
Question. Weren't you ever on any other?
Answer. No, sir.
Question. What month was that raid you spoke of?
Answer. The last one I told you of was the 1st of March.
Question. Is your Den still in existence?
Answer. No, sir; it was bursted up as soon as Shotwell didn't receive us, I reckon.
Question. Just trying your hands, then?
Answer. Yes, sir.
Question. And he wouldn't even receive you after that?
Answer. No, sir.
Question. Did you ever hear any talk about the raid on Mr. Justice?
Answer. No, sir; I didn't know anything about where it started from, not until it was over.

Redirect by Mr. STRONG:

Question. I understand you to say that in all these raids, and you were in three of them, there was nothing said about voting?
Answer. No, sir. There was nothing said about voting. None of them had anything whatever to do with politics.

TESTIMONY OF JOHN GRIGG.

Interrogatories by counsel for defense:

Question. Have you ever been a member of the Invincible Empire?
Answer. Yes, sir.
Question. When did you join, sir?
Answer. In October, sir.
Question. Last October?
Answer. Yes, sir.
Question. Who administered the oath to you?
Answer. Harrison Eskindge.
Question. What did you understand to be the object of the order from the oath, or what was said about it at the time?
Answer. The object, the way I took it, was for protection of widow women, and orphan children, at that time; that was the way I understood it at the time I joined it.
Question. Were you ever in a Den?
Answer. Yes, sir.
Question. Were you in the Den when the raid on Biggerstaff was resolved upon?
Answer. Yes, sir.
Question. What were the charges against him at that time?
Answer. Well, sir; what old man Wiley said that night there—that he had been the cause of Mr. McGaha a killing of Depriest.
Question. Anything else?
Answer. Not that I mind of.
Question. State whether or not anything was said about his politics there that night?
Answer. Not to my knowledge.
Question. You were on this raid, were you, sir.
Answer. Yes, sir.
Question. Where did you first rendezvous?
Answer. We were at Martin Cronder's, about a quarter mile below his house.
Question. How far was that from Mr. Biggerstaff's?
Answer. I suppose it was eight or nine miles.
Question. What time did you meet there?
Answer. We got there about a half hour after dark.
Question. Where did you go from there?
Answer. I went from there to what is called the Johnson place.
Question. How many went with you?
Answer. Three besides myself.
Question. Who were they?
Answer. Pinckney Tisdale, Michael Grigg, and Michael Crouder.
Question. Where did you go to from there?

Answer. I was ordered to go on to the Johnson place, and I went.
Question. Did you find anybody at the Johnson place.
Answer. Yes, sir; Rufus Magnis and Web. Eskridge.
Question. Did anybody fall in by the way between Crouder's and the Johnson place?
Answer. No, sir.
Question. Then you went from this Johnson place where?
Answer. To Jim Allen's.
Question. How far was that from Biggerstaff's?
Answer. Well, sir, I am not acquainted with the road.
Question. How many miles did you suppose it was?
Answer. I should think it was about four or five miles.
Question. Did you or did you not meet a crowd at Allen's?
Answer. Yes, sir.
Question. How many?
Answer. Ten or a dozen; somewhere along there.
Question. Did you see Mr. Johnson there?
Answer. I didn't see him; if I did, I didn't know him.
Question. There were several men there anyway?
Answer. Yes, sir. I asked them where they were from, and they told me they were from Sandy Run.
Question. How near did you go to Mr. Biggerstaff's house?
Answer. From a hundred and fifty to two hundred yards from his house.
Question. Where were the horses, sir?
Answer. They were where I stopped.
Question. Were any horses carried up to the house?
Answer. No, sir.
Question. What time did the whipping take place, sir? What time did you think it was?
Answer. I should suppose it was 11 o'clock.
Question. What was said when you joined the Invisible Empire—what instructions did you receive?
Answer. Doctor Martin was the first man that ever called it to me, and he asked me if I didn't want to go in a party for my protection, and for the protection of my family and friends; and I told him if I could go into it safely, without injuring my family and my friends, I would go into it; and he said there was not, and I went out and joined it.
Question. Was anything said about any politics?
Answer. Not that night.
Question. Was anything said at any time?
Answer. Not that I recollect of.
Question. Did you understand that there was anything there to prevent you from voting the republican ticket if you saw fit to do so?
Answer. I don't know that there was.
Question. In going from Jim Allen's to Biggerstaff's did anybody join you?
Answer. No, sir; nobody joined us.
Question. You know some of these defendants here, don't you, sir?
Answer. I suppose I do.
Question. Do you know John Calton?
Answer. Yes, sir.
Question. Did you see or hear anything of him there that night, sir?
Answer. I did not see him.
Question. Do you know Jason Wethrow?
Answer. Yes, sir.
Question. Did you see or hear anything of him there that night?
Answer. No, sir.
Question. William Depriest, do you know him?
Answer. No, sir.
Question. Adolphus Depriest, do you know him?
Answer. No, sir; I don't know of the rest except Amos Harrill and Ben. Gould.
Question. Did you hear or see anything of them there that night?
Answer. No, sir.
Question. Did you hear any of those names there that night?
Answer. No, sir.
Question. Didn't you mingle freely in the crowd there that night?
Answer. Yes, sir.
Question. Do you know Amos Harrill?
Answer. Yes, sir.
Question. Was he there that night?
Answer. I don't think he was.

Cross-examination:

Interrogatories by counsel for United States, (PHILLIPS:)

Question. Do you live in Cleveland?
Answer. Yes, sir.
Question. What part of Cleveland?
Answer. Well, it was about thirteen miles above Shelby.
Question. On towards Rutherford?
Answer. Yes, sir.
Question. When did you say you joined the Invisible Empire?
Answer. I think it was the second Saturday in October last.
Question. Did you take the oath?
Answer. Yes, sir.
[The attorney for United States then read the oath of the Invisible Empire.]
Question. Is that the oath?
Answer. Yes, sir; I think so, pretty much.
Question. You say nothing was said about its being in favor of a political organization when you joined it?
Answer. No, sir; nothing said about depriving anybody from voting as they pleased. They first read me that oath; some I repeated, and some I didn't. I couldn't go over all of it.
Question. You swore to obey your leader in everything?
Answer. Yes, sir.
Question. You swore to oppose the radical party in all its forms?
Answer. I don't recollect, sir.
Question. Did you understand that it was against the radical party?
Answer. Yes, sir.
Question. How were you going to put the radical party down?
Answer. Well, sir, I don't know how.
Question. Was anything ever said in any of your meetings about putting it down?
Answer. There might have been after that time; I never heard it said in the Den; I simply heard it spoken of just privately. I never was at but two meetings.
Question. Who told you to go on the Biggerstaff raid?
Answer. Marion Horde.
Question. What was the reason they were going against Biggerstaff?
Answer. The sentence was that he should be whipped.
Question. Were you present when he was tried?
Answer. No, sir; the committee went off and tried him, and reported that he was condemned.
Question. All that you have got to do is what?
Answer. To carry out the order of the committee.
Question. Did you discuss in the Den what you had against Biggerstaff?
Answer. Yes, sir.
Question. What was it you had against him?
Answer. That he had been the cause of Depriest being killed.
Question. Who was Depriest?
Answer. I didn't know him.
Question. Was he a member of the Den?
Answer. I don't know, sir.
Question. Was it because McGaha had killed Depriest, and Depriest was nothing to any of you?
Answer. No, sir; there wasn't anything said about belonging to the order——
Question. To the Den?
Answer. Not that I recollect, sir.
Question. Who was McGaha?
Answer. I don't know him. Nothing was said about him I just heard Mr. Wiley tell it over that McGaha had killed Depriest, and Biggerstaff was the cause of it.
Question. Did McGaha have any cause to kill him?
Answer. I don't know anything about it.
Question. Did you hear how he killed Depriest?
Answer. I don't recollect that I did.
Question. Did he kill him with a knife or a gun?
Answer. I don't know, sir.
Question. Why did the Den take up such a quarrel as that?
Answer. I could not tell you that.
Question. And you were along and helped to whip a man for that?
Answer. I had to obey orders good or bad.
Question. Did you not have a right to say, and did you, that you would not go?
Answer. I reckon so.
Question. You went along to whip a man a long way out of your neighborhood, in

another neighborhood; now what account can you give of that; what account can you give of yourself? Now tell this court and jury.

[The witness became confused, and didn't reply.]

Question. Is that your account of yourself?

Answer. Yes, sir.

Question. You were obliged to go?

Answer. I thought so at the time.

Question. Were not you obliged to obey the orders of your chief?

Answer. Yes, sir.

Question. Was anything said about whipping you, if you didn't go?

Answer. No, sir; I heard it mentioned about through the country, and I was afraid that they would jerk me.

Question. Wasn't a great deal said there that you didn't hear?

Answer. Not a great deal.

Question. Where did you meet?

Answer. At George Blandell's old place.

Question. How far a circle was it in the Den from the furthest man across?

Answer. Maybe thirty spaces. They were crowded about. Some might have been paying attention and some might not.

Question. You just heard that a man in the county was to be whipped, because he had taken part in a quarrel, of which you knew nothing?

Answer. Yes, sir.

Question. How long after that did you whip him?

Answer. I think it was on the next Saturday night week; that was on Monday or Tuesday night.

Question. How many went?

Answer. I don't know that, sir.

Question. Can you tell who were present in the meeting that ordered him to be whipped; when the sentence was passed on him?

Answer. Yes, sir.

Question. Give the names of some of them; all you can.

Answer. There was two meetings.

Question. Well, give the names of those at the meeting when he was ordered to be whipped, and who was the committee that ordered him to be whipped?

Answer. Only saw Mr. Irwin.

Question. Give the names of some of them.

Answer. Michael Cunden for one, Robert Fortenbury was there, and I think Henry Powell was there, and I think John Powell was there, I think George Cabins was there, John Wiley was there, Frank Wiley was there, and Joseph Bean, I think, and Angas Fortenbury, Harrison Eskridge was there, Marvin Horde, Richard Horde, John McKee, and William Cabins, and there might be a good many others that I saw there and that I don't recollect now.

Question. Can you recollect anybody else?

Answer. No, sir; not at present, I can't.

Question. That was the time he was ordered to be whipped?

Answer. That was the first meeting, sir.

Question. Did you have a second meeting about it?

Answer. Yes, sir.

Question. What was that for?

Answer. Why, it was just in the Den that I belonged to, and they wanted to hear from any of the other Dens whether they would go and help or not.

Question. What other Dens?

Answer. Mr. Wiley's and Mr. Wethrow's.

Question. You wanted two more Dens to help?

Answer. Yes, sir.

Question. Were these the only Dens you wanted to help?

Answer. Yes, sir.

Question. What did you do?

Answer. That was the first meeting, you understand, till the next Monday or Tuesday night—I won't be positive—and they were to go and report whether they would go or not.

Question. How many were present at the second meeting?

Answer. I don't recollect, sir, just how many.

Question. Mr. Gregg, at the second meeting was it agreed to go; did the other Dens agree to go with you?

Answer. That was the understanding I had.

Question. How many went with you?

Answer. I don't know how many.

Question. About how many?

Answer. I would suppose there were about seventy-five or a hundred.

Question. Did anybody join you in Rutherford?
Answer. Yes, sir, right at the line these men, Magnus and Eskridge, got with me.
Question. Were they Rutherford men?
Answer. They were Cleveland men, sir.
Question. Did anybody from Rutherford join you?
Answer. Mr. Owens was there.
Question. Did you know when he joined you?
Answer. I don't know; I never saw him till we stopped the horses.
Question. Did John Wethrow go with you?
Answer. I did not see him.
Question. Do you swear that nobody joined you going along the Rutherford road, after you got into Rutherford?
Answer. I got with this crowd I spoke of there at Allen's.
Question. Who were they?
Answer. They were from Sandy Run, I think.
Question. Was that the only place that anybody joined you?
Answer. Yes, sir.
Question. How many crowds were there; how many were in the main crowd?
Answer. I don't know, sir. There were in all about seventy-five or a hundred men.
Question. How many were in the other crowd? I am speaking of the whole party that got together. You think there weren't more than a hundred men altogether?
Answer. I don't think there was, sir.
Question. After you got into Rutherford, any more than eight or ten men join you?
Answer. I don't think they did, sir; that was all I saw.
Question. Did you see all?
Answer. I think I ought to have seen them.
Question. Did I understand you to say that Mr. Depriest was not there?
Answer. I don't know the man, sir.
Question. Did I understand you to say that Mr. Wethrow went there?
Answer. I didn't see him.
Question. Were the men, generally, disguised?
Answer. Yes, sir.
Question. Do you swear that James Sweazy wasn't there?
Answer. Not that I know of.
Question. Did I understand you to swear that Ben. Fortune, James and Joseph Fortune, Daniel Fortune, Samuel Biggerstaff, Alfred Biggerstaff, Barton Biggerstaff, Marcus Tucker—do you swear they were not there?
Answer. Not that I saw.
Question. Ben. Gould?
Answer. Not that I saw.
Question. Joseph Wilson?
Answer. I didn't know any of the rest of the men.
Question. You say you didn't go up to the house?
Answer. No, sir.
Question. You didn't hear what went on then?
Answer. No. sir; I only heard old Mr. Biggerstaff hollering.
Question. Did you hear anything that was said to him?
Answer. No, sir.
Question. Did you hear anybody cursing him for being a "damned old radical?"
Answer. No, sir. I could not have heard it that far.
Question. You heard nothing said from the time he was condemned to be whipped up to that time about his politics?
Answer. I won't be positive about that.
Question. What is the best of your recollection?
Answer. I don't recollect.
Question. I understand you to say that there was to be no violence
Answer. No, sir, that wasn't my intention.
Question. What was the purpose of the Invisible Empire?
Answer. Well, I don't know, sir; that I can't tell.
Question. You would obey all orders, wouldn't you, good or bad, lawful or unlawful?
Answer. They didn't say about that.
Question. If they ordered you to whip a man you would do it, wouldn't you?
Answer. Yes, sir.
Question. Did you understand it was to put down the radical party?
Answer. I think so, sir; I understood that after I joined it. I just heard it talked about among the members. I don't know that it was generally talked about.
Question. What did you hear spoken of?
Answer. Just that it was to put down the radical party.
Question. Did you ever hear anything said in the Dens at all about the purpose of the Empire?

Answer. No, sir; I never was at but two meetings.
Question. And you never went on but one raid?
Answer. I have been on four or five.
Question. You joined last October?
Answer. Last October, sir.
Question. And you say you have been at two meetings, and on four or five raids. Now, give some account of those raids, Mr. Grigg, and who they were on.
Answer. The first raid I ever was on was on a colored man, by the name of Jack Wellmour.
Question. What did you go on him about?
Answer. Well, it was understood through the country that he had some colored people drilling.
Question. Is that against the law?
Answer. I would suppose it was.
Question. And he was reported to your Den?
Answer. I think so.
Question. Did the committee sit on him?
Answer. I don't know.
Question. How was he tried?
Answer. I don't know, sir. I was authorized to go.
Question. Who authorized you?
Answer. Marion Horde sent me word to meet him to go to Samuel Biggerstaff's, to go to Jake Gould's.
Question. How many of you were there?
Answer. Eighteen or twenty.
Question. Did you go on that raid?
Answer. No, sir, we turned back, and didn't go all the way.
Question. Why?
Answer. Because he was not at home.
Question. Were there any others?
Answer. Only an old man Whitnaut.
Question. What was he charged with having done?
Answer. With living in adultery, and he was a member of the order, having two wives.
Question. What did they do to him?
Answer. They whipped him.
Question. Did they whip him out of the order?
Answer. I saw him at the meeting after that.
Question. Did he give up one of his wives after you whipped him?
Answer. I don't know, sir; he has one in South Carolina, and one living with him.
Question. You don't know that he was a member?
Answer. No, sir.
Question. Did he get to be a member afterward?
Answer. I don't know, sir; but I saw him at a meeting.
Question. When was it you whipped Whitnant?
Answer. I don't recollect, sir; he said in the Den he belonged to the order.
Question. Did the members recognize him after that?
Answer. Yes, sir.
Question. Did they try Whitnant for having two wives?
Answer. No, sir; there was just eleven men of us went and whipped him.
Question. Was that done by any order?
Answer. Well, it was authorized through Horde.
Question. Give me another raid.
Answer. Well, they went to Mrs. Waters's to whip a black boy she raised.
Question. What were they going to whip him for?
Answer. For keeping the company of white women.
Question. Did you whip the woman?
Answer. No, sir; we didn't whip him.
Question. Did you whip the woman?
Answer. No, sir.
Question. What other raids?
Answer. We made another raid on him.
Question. Did you get him that time?
Answer. No, sir.
Question. Is that all the raids you ever were on?
Answer. Yes, sir; I think it is.
Question. Did you go armed on the Biggerstaff raid?
Answer. Me? yes, sir.
Question. What arms?
Answer. A pistol.

Question. A repeater?
Answer. Yes, sir.
Question. Were they generally armed?
Answer. Yes, sir.
Question. From seventy-five to a hundred men went out of Cleveland?
Answer. I think so.
Question. You went there, and didn't see old man Biggerstaff whipped at all?
Answer. No, sir; I only heard him hollering.
Question. Did you hear any of the family's voices hollering?
Answer. No, sir.
Question. What time did you get home?
Answer. About an hour and a half before day.
Question. How far was Biggerstaff from your place?
Answer. Well, sir, I think it is about twelve or thirteen miles.
Question. Please tell the jury who reported his case to your Den for consideration?
Answer. Mr. Wiley.
Question. Who was Wiley?
Answer. John Wiley; he was a member of the order from that county—Cleveland County.
Question. He brought this case before you?
Answer. He was the first man I ever mention it.
Question. Did he tell where he got his information from?
Answer. No, sir; he didn't.
Question. He brought his case up. Is that the way you act?
Answer. Well, sir, there was a great deal that passed that I didn't hear in the crowd.
Question. Did you hear anybody hollo that night except Biggerstaff?
Answer. No, sir.
Question. Didn't the Den or Dens that were there hurrah?
Answer. Yes, sir.
Question. Was there a great deal of hollering?
Answer. Yes, sir; after leaving there.
Question. How long were they there?
Answer. Maybe three-quarters of an hour.
Question. You say you got there about 11 o'clock?
Answer. I think so.
Question. You left there about 12 o'clock?
Answer. I don't know, sir; as near as I can judge.
Question. You say you got home just before day?
Answer. Yes, sir.
Question. What time does the day break in April?
Answer. I don't know, sir.
Question. What time did you start from Crowder's old field?
Answer. About a half an hour in the night. I didn't go the same road that the main crowd went. I don't know who joined them on the road.
Question. Do you know Pinckney Tisdale?
Answer. Yes, sir.
Question. Was he in the main crowd, or the crowd with you?
Answer. He was in the crowd with me.
Question. Were all the men you met there that night Cleveland men?
Answer. Yes, sir.

Redirect examination:

Question. The men that were with you at Crowder's, were they Rutherford or Cleveland men?
Answer. They were Cleveland men then that I saw.
Question. When you got east of Biggerstaff's you saw some men there; did you know these men, sir?
Answer. They told me they were from Sandy Run.
Question. Which way is that from Biggerstaff's?
Answer. Southeast.
Question. How far is it from Biggerstaff's?
Answer. Some eight or ten miles.
Question. These men that are indicted here, you don't know where they live?
Answer. No, sir.
Question. After you got to Mr. Allen's, did any other crowd come up?
Answer. Yes, sir; the main crowd.
Question. Which way did they come?
Answer. From Wall's old route.
Question. With regard to this man—Jack Wallman—was it not reported in the neighborhood that he used to stop white people in the neighborhood?

Answer. I never heard that.
Question. Was he a school-teacher?
Answer. Yes, sir.
Question. Was that an objection?
Answer. Not that I understood. The way that I understood it was that after the nigger meeting would be dismissed, the women folks would go home, and the men folks would go to drilling.
Question. Was it reported, though, there that they were drilling at three or four places?
Answer. Yes, sir; I had heard it.
Question. And that they had camps?
Answer. I never heard of that.
Question. Wasn't that report made to the Den?
Answer. I think so. I think it was reported that they were drilling in the day-time some seven or eight miles from where I lived.
Question. You say you saw Whitnant at the Den afterward?
Answer. I saw him afterward at a meeting?
Question. What did he say at that meeting in the Den?
Answer. I don't know, sir.
Question. I understand you to say that they went on him another time to whip him for living with a white woman. What are your politics, sir?
Answer. I am a conservative, sir.
Question. Always been a conservative, sir?
Answer. Yes, sir.
Question. Have voted the republican ticket?
Answer. Yes, sir.

TESTIMONY OF ALVIN JOHNSON.

Interrogatories by counsel for defendants, (Mr. STRONG:)
Question. Mr. Johnson, were you a member of the Invisible Empire?
Answer. Yes, sir.
Question. When were you initiated?
Answer. The latter part of last winter, some time. I don't recollect the month.
Question. Who initiated you?
Answer. Alberti Elliot.
Question. I wish you would state to his honor and the jury from the oath taken at that time what you understood it to be for.
Answer. Well, they didn't tell me what it was for.
Question. Didn't tell you what it was for?
Answer. No, sir.
Question. State all that did occur at the time when you were sworn in.
Answer. They only swore me in; they didn't tell me what it was for, nor what to do?
Question. Was anything said about voting at the time or not?
Answer. I don't know, sir.
Question. Was or was there not anything said about interfering with any other political party?
Answer. No, sir.
Question. Nothing said about politics?
Answer. No, sir, I never heard a word about politics.
Question. Will you be good enough to state whether you were in this raid on Mr. Biggerstaff.
Answer. Yes, sir, I was there.
Question. You were in that raid?
Answer. Yes, sir.
Question. Did you go to the house, sir?
Answer. Yes, sir.
Question. Where did you first rendezvous?
Answer. At James Allen's.
Question. Which direction is that from Mr. Biggerstaff's?
Answer East.
Question. About how far is that from Mr. Biggerstaff's?
Answer. It must be two miles or over.
Question. How many men do you suppose were along on the raid?
Answer. I think there was eighty or eighty-two.
Question. Well, why do you think so, sir?
Answer. Well, I have heard them numbered.

Question. What part of the column, as they went on to Mr. Biggerstaff's, were you in?
Answer. I was No. 5.
Question. Will you be good enough to state whether any person joined you after you left Mr. Allen's.
Answer. No person fell in as I saw anything of.
Question. Would you have seen them?
Answer. If they had been on the road I would have seen them.
Question. When you got to Mr. Allen's how many men were there?
Answer. When I got there there was none there at all.
Question. Did any man come from the direction of Mr. Biggerstaff's towards Allen's?
Answer. No, sir.
Question. Were all the men that are indicted in this case there?
Answer. The most that I knew of them were there.
Question. In coming to Mr. Biggerstaff's how would they have had to come?
Answer. They would have to come down the road.
Question. Did you go up toward the house?
Answer. Yes, sir.
Question. I will ask you the question whether you saw any of these parties there that night—James Sweazy?
Answer. No, sir.
Question. You didn't see him or hear his name called?
Answer. No, sir.
Question. Jason Wethrow?
Answer. No, sir.
Question. William Depriest?
Answer. No, sir.
Question. Joseph Depriest?
Answer. No, sir.
Question. Taylor Carson?
Answer. No, sir.
Question. Olin Carson?
Answer. No, sir.
Question. Ben Fortune?
Answer. No, sir.
Question. Leander Toms, Daniel Fortune, Samuel Biggerstaff, Barton Biggerstaff, Lloyd Early, Ben Gould, Alfred Early, James McDaniel, Joseph McDaniel, Achilles, Durham?
Answer. No, sir.
Question. Lawson Teal?
Answer. No, sir.
Question. You know these men?
Answer. Yes, sir.
Question. You didn't see any of them there that night?
Answer. No, sir.
Question. You didn't hear any of their names called?
Answer. No, sir.
Question. State to the jury if they had been there whether you would have known it?
Answer. If they had been there I would have known some of them at least.
Question. You say you saw the whipping?
Answer. Yes, sir.
Question. What was said at the time; what conversation took place?
Answer. Well, they first brought him out of the house and commenced whipping him.
Question. Were you in the house?
Answer. Not when he was brought out. They brought him out of the house and commenced whipping him, and some man said, "Hold on till we make him own to something." When they stopped whipping him they asked him about being charged with killing Decatur Depriest and shooting into his brother's house.
Question. Well, go on, then. Did Mr. Biggerstaff say anything; and if so, what?
Answer. Mr. Biggerstaff told them that if they would not kill him he would tell them who was at the head of it. When they stopped, he told them it was a man named Hollyfield.
Question. State whether or not anything was said about voting?
Answer. No, sir; I heard nothing about politics or voting at all.
Question. Did you or did you not hear anything about his being a damned old radical?
Answer. No, sir; I didn't.
Question. Did you know the purpose, before you got there, of this raid?
Answer. No, sir; I didn't know anything about it, till I heard them talking and asking about Depriest and shooting into his brother's house.
Question. Well, did you return with the crowd?

Answer. Yes, sir.
Question. You say that you saw the whipping?
Answer. Yes, sir.
Question. State what you saw put upon the old man's head. Did you see anything put upon his head or not?
Answer. No, sir; I never saw anything on his head.
Question. You saw him when he was out in the road there?
Answer. Yes, sir.
Question. And you say there was no bottle put upon his head? Did you or did you not hear anything said about turpentine there that night?
Answer. No, sir.
Question. Did you or did you not hear anything of a bottle, said to contain turpentine, put upon the old man's head that night?
Answer. No, sir; I didn't.
Question. You say you know Joe Wilson?
Answer. Yes, sir; I have been acquainted with him all my life.
Question. Had he been there with any disguise on that night, you think you could have told him?
Answer. Certainly I could.
Question. You say you know Barton Biggerstaff?
Answer. Yes, sir.
Question. Suppose he had been there with a disguise on, you would have known him?
Answer. If I had seen him I would.
Question. If he had been there you would have seen him?
Answer. I think it is reasonable I would.
Question. Well, sir, did you or did you not see any horses up near the man's gate—opposite the gate as you came out of the house?
Answer. No, sir; there was no horses there while I was there—not in the lane.
Question. How far were the horses from the house?
Answer. I suppose two hundred yards or over that. I left the horses in the woods. They were never brought to the lane. That is, there were some in the woods and some hitched in the road; but none nearer than two hundred yards.
Question. Did you stay there as long as the rest of the crowd?
Answer. Yes, sir; I left when the rest of them did.
Question. While you were there, sir, did any man join you from the west side?
Answer. If they did, I didn't see them.
Question. Well, you left with the crowd; where did you stop at in going back?
Answer. I stopped at Amos Harrill's.
Question. Well, tell what took place there.
Answer. Well, they called up Mr. Harrill, and he came out and he got some of them some water, and I shook hands with him, and several of them did.
Question. Did he come in his night-clothes?
Answer. Yes, sir; and some of them told him what they had done.
Question. How often did you call him before he came out?
Answer. I didn't call him; some of the rest of them called him.
Question. Did you or not know the men at Mr. Allen's when the main crowd came up?
Answer. Yes, sir; I knew part of them.
Question. Were any of these defendants there?
Answer. No, sir.
Question. You got to Mr. Allen's, you say, and there was nobody there, and shortly a few persons came, then the main crowd came up?
Answer. Yes, sir; that's true.
Question. Where did those that came up before the main crowd come from?
Answer. From Sandy Run.
Question. Where is that?
Answer. It is east of Allen's.
Question. How far east?
Answer. It is this side of Allen's.
Question. Was it in the same direction that these men lived that are now on trial?
Answer. Well, it is in the same direction for some of them. Joseph Wilson lives in the same direction, but he didn't come up that way.
Question. What county is Sandy Run in?
Answer. It is in Rutherford and a part in Cleveland.

Cross-examined by counsel for United States, (PHILLIPS:)

Question. Mr. Johnson, how old are you?
Answer. I will be twenty-one years old the 13th day of next May.
Question. How long have you been a member?
Answer. Since the latter part of last winter. I don't recollect exactly what time it was.

Question. Your father living?
Answer. No, sir.
Question. Your mother living?
Answer. Yes, sir.
Question. Do you live with her?
Answer. Yes, sir.
Question. You say you live in Rutherford?
Answer. Yes, sir
Question. What Den did you belong to?
Answer. I didn't belong to any regular organized Den. I was sworn in at the Den, but didn't go back there any more.
Question. What Den was that?
Answer. Alberti Illiot's Den.
Question. Was that the name of the Den?
Answer. Yes, sir.
Question. Was he chief?
Answer. Yes, sir; I believe so.
Question. How old a man is he?
Answer. He is as old as forty, I reckon
Question. Does he live in Rutherford?
Answer. No, sir; he lives in Cleveland.
Question. How many were present when you were sworn in?
Answer. I suppose there was as many as fifty.
Question. Were they in disguise?
Answer. Yes, sir; a part of them was.
Question. What kind of a disguise did they have on?
Answer. Some had on red and some white.
Question. Well, just give us an idea—just a cloth over their faces?
Answer. Yes, sir.
Question. Any gown?
Answer. Yes, sir; some had on gowns.
Question. Any horns?
Answer. Yes, sir.
Question. You say, Mr. Johnson, that you didn't know what Mr. Biggerstaff was going to be whipped for till you got there?
Answer. No, sir.
Question. What made you go to whip him if you didn't know what it was to be for?
Answer. Well, I was told to go.
Question. Who told you?
Answer. My uncle.
Question. What's his name?
Answer. Joseph Walker.
Question. Now, I ask you, what did you go to whip him for, if you didn't know what it was to be for?
Answer. Well, sir, I didn't go to whip him, but I was in the crowd.
Question. Do you say that you went just to whip an old man for nothing—is that so?
Answer. I don't say that I said that. I went to be in the crowd.
Question. Now, come, give us some better reason than that. You went in a large crowd to whip an old man for nothing. Is that the introduction you give yourself in a strange company like this?
Answer. Well, sir, I didn't know what they were going to whip him for.
Question. Was that the reason?
Answer. Well, sir, I was obliged to go.
Question. You went of your own accord?
Answer. Yes, sir.
Question. You had never heard anything said against him?
Answer. Yes, sir.
Question. What about him?
Answer. About killing Depriest and shooting into his brother's house.
Question. Was that spoken of in the Den?
Answer. I was not at the Den when it was agreed.
Question. Did your chief order you to go?
Answer. No, sir; but he told me where I could get with the crowd.
Question. Where did he tell you that you could get with the crowd?
Answer. At Jim Elliot's.
Question. What Dens were along?
Answer. Marion Horde's.
Question. What others?
Answer. Well, I don't know what others.
Question. Did you see Amos Owens there that night?

Answer. Yes, sir; I saw him there.
Question. Where did you come up with him?
Answer. Well, sir, he came to James Allen's.
Question. Did he come alone?
Answer. No, sir; he come with the crowd.
Question. What, that Cleveland crowd?
Answer. I suppose so, sir.
Question. Where were you all when you were numbered?
Answer. I can't tell you exactly; we were between James Allen's and Mr. Biggerstaff's, though.
Question. Did you stop to count them?
Answer. Yes, sir.
Question. And why don't you know the exact number?
Answer. Well, I heard eighty-two, or somewhere along there.
Question. Did you hear any more than that?
Answer. No, sir.
Question. Was that the whole crowd?
Answer. Yes, sir.
Question. Which side of Mr. Biggerstaff's was that?
Answer. Well, I can't tell you how far it was.
Question. Are you acquainted with that country?
Answer. Yes, sir; but I am not very well acquainted with it.
Question. Now, when you got there, you heard them tell him what?
Answer. I heard them ask about killing Depriest and shooting into his brother's house.
Question. Who was your captain—the general captain of all?
Answer. Marion Horde.
Question. Was there any other chief there except he?
Answer. He was the only one I know of.
Question. Was there any Grand Monk, or any other of the officers there?
Answer. I don't know, sir.
Question. Didn't the chief explain what you were going to raid Mr. Biggerstaff's house for?
Answer. No, sir.
Question. You asked no questions; heard nothing said about what it was for; you weren't curious to inquire; you didn't care to know; you didn't hear anybody ask any questions why he was going; you just went along with the whole of them?
Answer. Yes, sir; I just went along.
Question. And the chief didn't tell them what they were going there for?
Answer. Not while I was there, sir.
Question. But when he stopped and counted them, didn't he say he was near the place?
Answer. I don't recollect, sir.
Question. Didn't he give any orders to break open the house?
Answer. He didn't then.
Question. When did he?
Answer. He didn't at all, as I understood.
Question. When they numbered you, how did they number you? Did they tell you you were to be such a number on the expedition?
Answer. Yes sir.
Question. What was your number?
Answer Five.
Question. When they called your number, or No. 19, somebody would come?
Answer. Yes, sir.
Question. You were just No. 5 for the Biggerstaff raid?
Answer. Yes, sir.
Question. You have thought a good deal about that, haven't you?
Answer. Yes, sir; I have thought right smart about it.
Question. You have thought over everything that occurred time and again?
Answer. Well, I suppose I have.
Question. Did you ever dream about it?
Answer. No, sir; I never have.
Question. In your waking hours you have thought about it a good deal?
Answer. Yes, sir.
Question. Where you went and who were along?
Answer. Yes, sir.
Question. You thought of the men's names and their faces and disguises time and again, haven't you?
Answer. Yes, sir.
Question. And after all that thought, that not one word was said to any one, or to you, what you were going for, except to whip Mr. Biggerstaff?

Answer. Yes, sir; I didn't know what it was for till I got there.
Question. And you say you never was at any Den till this time?
Answer. Yes, sir; but I was at other meetings.
Question. What other meetings?
Answer. At Cherry Mountain.
Question. How far did you live from Cherry Mountain?
Answer. Five or six miles.
Question. What meeting was that at Cherry Mountain? Was it before the Biggerstaff raid?
Answer. Yes, sir. It was to organize a Den.
Question. Who was the chief?
Answer. John Wethrow.
Question. You are not a chief yourself?
Answer. No, sir.
Question. An officer?
Answer. No, sir.
Question. How many were there?
Answer. I don't know how many were there.
Question. Do you know what time that was, Mr. Johnson, when you organized Cherry Mountain Den, or Wethrow's Den, whatever you call it?
Answer. No, sir.
Question. Was it in the spring, or last fall?
Answer. It was in last spring, I think.
Question. When was it that you joined? I have forgotten.
Answer. It was toward the last of last winter.
Question. When does the winter extend, according to your opinion; what month—January or February; along there?
Answer. Yes, sir.
Question. It was after that they made up Wethrow's Den?
Answer. Yes, sir.
Question. Can't you tell me how many were there when they made it?
Answer. No, sir; I can't.
Question. Did you see them making it up?
Answer. Yes, sir.
Question. You didn't call that the meeting of a Den?
Answer. Yes, sir; it was a Den after it was organized?
Question. The meeting you went into after it was organized, Wethrow was chief?
Answer. Yes, sir.
Question. What time of day were you there?
Answer. It was in the night.
Question. In the house or in the woods?
Answer. In the road, sir.
Question. What time of night; toward the middle of the night?
Answer. No, sir; it was not that late in the night.
Question. Was that a big road?
Answer. No, sir; it was not a very big road?
Question. A neighborhood road?
Answer. Yes, sir.
Question. And you met there at night, and you didn't call that a meeting of the Den at all?
Answer. No, sir.
Question. What other meetings were you at, Mr. Johnson?
Answer. I was at a meeting where Joe Walker was chief.
Question. Is that your uncle?
Answer. Yes, sir.
Question. Where was that?
Answer. It was in an old field, near Luther Beam's.
Question. Now give us another meeting you were at; you didn't call that a meeting at all?
Answer. I don't recollect any other I was at.
Question. Do you recollect that you weren't at any other?
Answer. No, sir; that was all the meetings I was at.
Question. How many raids were you on?
Answer. Two on Mr. Biggerstaff and one on a man named Alfred Hambric.
Question. White man or black man?
Answer. White man.
Question. What was it for?
Answer. He took up with a woman.
Question. A white woman or colored woman?
Answer. A white woman.

Question. Did you try him for it?
Answer. No, sir.
Question. Now, didn't the Den try him for it?
Answer. I didn't hear any trial if they tried him.
Question. Didn't the committee report him to be punished?
Answer. I don't know; I suppose though they did.
Question. Who ordered you to go on that raid against Hambrick?
Answer. Well, it was done the night I was sworn in.
Question. Were you told what it was about?
Answer. Yes, sir; they told me he had been living with a woman.
Question. What were they going to do?
Answer. They were going to tell him to leave; they said they were going to go and run him off.
Question. You went where he lived?
Answer. Yes, sir.
Question. Was he there?
Answer. No, sir.
Question. Did you ever go on him again?
Answer. No, sir; but they found him and said they didn't whip him, though.
Question. What went with him?
Answer. They run him off.
Question. Was he republican or democrat?
Answer. I don't know, sir.
Question. Were you disguised on that visit?
Answer. There was a part of them, but I was not.
Question. Were you never on any other raid?
Answer. No, sir.
Question. Did you take an oath when you joined?
Answer. Yes, sir.
Question. What was the oath?
Answer. I don't recollect.
Question. How often have you heard it?
Answer. I have heard it several times.
Question. You think you would know it if you heard it?
Answer. Yes, sir.
Question. Did you hear it in this court anywhere?
Answer. Yes, sir.
Question. Who read it?
Answer. From you.
Question. Is there any other part except this you have heard?
Answer. I don't think that is exactly the oath I took.
[Counsel read the oath of the Invisible Empire.]
Answer. Well, I believe that is about it.
Question. What else is there, Mr. Johnson?
Answer. I don't recollect.
Question. Do you recollect that there is anything else?
Answer. I don't.
Question. You think that this is just about the oath you took?
Answer. I don't think there is anything about obeying the orders of the chief.
Question. Do you recollect that there was anything about obeying anybody?
Answer. No, sir; I don't.
Question. You didn't hold the horses at old man Biggerstaff's?
Answer. No, sir.
Question. You went in?
Answer. Yes, sir.
Question. You went into the house?
Answer. Yes, sir.
Question. Did you go up-stairs?
Answer. No, sir.
Question. Did you see Mrs. Norvill?
Answer. I saw some woman whipped.
Question. Didn't you interfere?
Answer. I never had anything to do with it. I didn't know her.
Question. Do you mean to say you would see a woman whipped for nothing without interfering?
Answer. I didn't say it was for nothing.
Question. You didn't say it was for anything. Would you see a woman whipped by your brothers without interfering?
Answer. Yes, sir; I seen her whipped. I didn't know her at all.

Question. You wouldn't interfere for any woman that you didn't know? Would you have to have an introduction to a woman before you would interfere?
Answer. Well, I don't know; I never had an introduction. They was older men than I was, and if I had tried to stop them I could not have done it.
Question. Mr. Johnson, you say you didn't go into Biggerstaff's house when you first got there?
Answer. No, sir.
Question. Where did you stop?
Answer. I got to the house, and they had him brought to the door.
Question. How many persons staid with the horses?
Answer. I don't know how many.
Question. Were they numbered?
Answer. Yes, sir; they were numbered before they stopped.
Question. You numbered those that staid with the horses as well as those that didn't?
Answer. They were all numbered together, I suppose.
Question. Did you stop out in the yard?
Answer. I went to the door.
Question. Did you break open the door?
Answer. I didn't.
Question. Who was it?
Answer. I don't know who it was.
Question. It might have been John Calton or William Depriest?
Answer. I don't know who it was.
Question. It might have been one of the Fortunes for anything that you know?
Answer. I don't know who it was.
Question. Weren't there a great many men there that you didn't know at all?
Answer. Yes, sir.
Question. A great many men about whom you could not swear?
Answer. Yes, sir.
Question. It might have been Olin Carson for anything that you know?
Answer. I don't know who it was that broke open the door.
Question. Weren't you standing right about it when it was done?
Answer. No, sir; the door was broke open when I got to the house.
Question. And you were No. 5?
Answer. I was No. 5, coming along, but several of the men got down to fix their horses, and I got behind; and when I got there the men were there and had broken open the door.
Question. Did you hear anything said when they took him out of bed?
Answer. No, sir.
Question. You didn't hear and you were right there?
Answer. No, sir.
Question. Were they talking loud?
Answer. I don't know, sir.
Question. Was there any noise at all?
Answer. Yes, sir.
Question. What was the noise?
Answer. Some hollering and some making other kinds of noise.
Question. Did you have on any disguise that night?
Answer. Yes, sir.
Question. What was the disguise?
Answer. It was a piece of cloth sewed up.
Question. Eyes about it?
Answer. Yes, sir.
Question. Nose about it?
Answer. Yes, sir.
Question. Horns on it?
Answer. Yes, sir.
Question. What was all that they said to Biggerstaff?
Answer. I can't tell you.
Question. Had they struck him before they took him out of the house?
Answer. If they did I didn't see.
Question. They struck him before they asked him questions?
Answer. Yes, sir.
Question. What was it with?
Answer. With switches, I suppose.
Question. Did any of them strike him with a pistol in you presence?
Answer. No, sir.
Question. Did any of them strike him with a stick in your presence?
Answer. Yes, sir; and I saw some of them strike him with their fists.

Question. Where did they get their switches? Did they bring them out of Cleveland?
Answer. I don't know, sir.
Question. Did you have a switch?
Answer. No, sir; I didn't carry any with me.
Question. Did you have one in your hand?
Answer. Yes, sir.
Question. What did you do with it? did you whip old man Biggerstaff with it?
Answer. Yes, sir.
Question. How often?
Answer. Fifteen licks, I believe.
Question. Did all of them give him that many apiece?
Answer. I don't know.
Question. How many were you to give—all the party—how many licks was he to have?
Answer. Well, I heard two hundred.
Question. Didn't you pay four hundred?
Answer. No, sir.
Question. Did he get his full number?
Answer. I don't know whether he did or not.
Question. What time did you hit him; the first time he was brought out?
Answer. No, sir.
Question. When he was brought out the second time?
Answer. I don't know when it was.
Question. Didn't you hit him when he was brought out into the road?
Answer. Yes, sir.
Question. You hit him in the road?
Answer. Yes, sir.
Question. Was he carried back into the house and then brought back into the road?
Answer. If he was I didn't see it.
Question. You struck him, then, each time?
Answer. It was not when I first got there; it might have been toward the last.
Question. Had he been pretty well whipped when you struck him?
Answer. He had been whipped some.
Question. Was he lying down or sitting up?
Answer. Lying down.
Question. Did you whip that young woman?
Answer. No, sir.
Question. You were contented with the old man?
Answer. Yes, sir.
Question. Where was his daughter when you were whipping the old man?
Answer. I didn't see her.
Question. Had she been whipped before you whipped the old man?
Answer. I don't recollect.
Question. Did you ever see a woman whipped before?
Answer. I don't recollect that I ever did, sir.
Question. Was it a very interesting performance to you?
(Witness didn't reply.)
Question. How long were you at Biggerstaff's?
Answer. I don't know how long we were there.
Question. Did it appear like a short time or a long time?
Answer. It was a powerful long time.
Question. What is a powerful long time?
Answer. I don't know.
Question. What time did you get there?
Answer. I don't know that.
Question. What time—about?
Answer. It was in the fore part of the night.
Question. Ten, 11, 9, or 12 o'clock?
Answer. It must have been about 10 or 11.
Question. Was it as late as 12?
Answer. No, sir.
Question. Did you see old man Biggerstaff brought out?
Answer. No, sir.
Question. Did you see him carried into the house?
Answer. No, sir.
Question. Did you see him go to the house?
Answer. No, sir.
Question. Did you see that young woman go to the house?
Answer. No, sir; I didn't see her go.

Question. You didn't see how he got to the house?
Answer. No, sir.
Question. When they whipped him what did they say it was for?
Answer. For having killed Depriest and shooting into his brother's house.
Question. Mr. Johnson, one word. Didn't you drink something that night?
Answer. Yes, sir; I did drink something.
Question. You can't tell me how much or how often you drank?
Answer. No, sir.
Question. Did you drink as much as twenty times?
Answer. No, sir.
Question. As much as ten times?
Answer. No, sir.
Question. As much as five times?
Answer. No, sir.
Question. You hadn't taken five drinks that night?
Answer. No, sir.
Question. How many had you taken?
Answer. Two or three, I suppose.
Question. What time?
Answer. Well, I took one drink before I started.
Question. Does it take a pretty good drink to do you?
Answer. No, sir.
Question. What kind of liquor did you drink?
Answer. Whisky.
Question. What—that time?
Answer. Yes, sir.
Question. Did you take half a tumbler full?
Answer. Yes, sir.
Question. Where were you when you took another drink?
Answer. I took another at a widow woman's between our house——
Question. A half tumblerful?
Answer. No, sir; there was three of us drinking a tumblerful.
Question. At the widow what?
Answer. Walker's.
Question. Where were you when you took another drink?
Answer. At Jim Allen's.
Question. How much did you drink there; half a tumblerful?
Answer. I don't think I did, sir.
Question. A third of a tumblerful?
Answer. I can't say, sir.
Question. Have you any recollection that you drank again?
Answer. No, sir; I don't recollect any but the three drinks.
Question. How long was it from the time you started from home till you got to Biggerstaff's?
Answer. It might have been two or three hours.
Question. What time did you start from home?
Answer. I left home about dark.
Question. Did you say that you didn't join the crowd as they left Jim Allen's?
Answer. No, sir.
Question. How far is it from Jim Allen's to the Cleveland line?
Answer. It is four miles, I suppose; maybe four and a half.
Question. And about two miles from Allen's to Biggerstaff's?
Answer. I don't know exactly how far it is; about two miles I guess.
Question. Where did you first see Amos Owens?
Answer. I don't recollect; I believe, though, I seen him at Allen's. I won't be certain of it though.
Question. How near Jim Allen's does he live?
Answer. I think he lives as near as two miles and a half, maybe.
Question. West or east?
Answer. West or northwest.
Question. Biggerstaff's, is it not, sir, is in the western direction?
Answer. Yes, sir.
Question. Amos Owens's is northwest from there?
Answer. Yes, sir.
Question. Sandy Run is which way?
Answer. East.

Redirect by counsel for defendants, (STRONG:)

Question. I understood you to say, Mr. Allen, that Amos Owens was there that night?
Answer. Yes, sir.

Question. Did he go to the house or stop with the horses?
Answer. He stopped with the horses.
Question. You left Amos Owens with the horses and went on to the house, and when you got to the house they were dragging him out of the door?
Answer. Yes, sir.
Question. So that Amos Owens was not there in the first crowd?
Answer. Not at the house.
Question. You left him out with the horses?
Answer. I told him to mind my horse and started to the house. I hitched my horse and told Amos Owens to mind him.
Question. When you got there they were dragging Biggerstaff out of the house?
Answer. Yes, sir.
Question. Well, now, this mask that you had on; did that fit closely to the face or loosely?
Answer. They fit very close.
Question. Did you see anybody with a white gown on there that night?
Answer. Yes, sir.
Question. Who had that on, do you know?
Answer. I saw two or three with a white gown on.
Question. Who were they?
Answer. One of them was Fayette Williamson, and another was Gaither Philbeck.
Question. Who was that in the party pretending like he was Decatur Depriest?
Answer. I don't know who it was.
Question. You don't know who it was?
Answer. No, sir; I don't.
Question. Was it any of those two men that had on gowns?
Answer. I don't know who it was.
Question. Well, Mr. Phillips asked you whether or not it might have been some of these Fortunes that broke into the house, for what you knew. I understood you to say that you could not say positively whether they were there that night, and that you thought if any of them were there you would find it out; that if any of these men were there, except Amos Owens, you would have found it out?
Answer. Yes, sir; I didn't say they was not there, but I didn't see them there.
Question. You say you took about a half tumblerful when you left home, and the third of a tumblerful on your way there, and at Jim Allen's a third of a tumblerful?
Answer. Yes, sir.
Question. State whether you were sober that night?
Answer. I was half tight when I first started.
Question. When you got to Mr. Biggerstaff's how were you?
Answer. I knew every thing that was going on as well as if I hadn't drank a drop.
Question. You knew every thing that was going on as well as if you hadn't drank a drop?
Answer. Yes, sir; I did.
Question. Mr. Johnson, did you or did you not ever go before Judge Logan to confess this matter? State about it.
Answer. Yes, sir.
Question. State whether or not you were one of the first that told all about it.
Answer. Yes, sir.
Question. You say that you were one of the first that made a confession?
Answer. Yes, sir; of that raid I was.
Question. Mr. Phillips read over an oath to you that was taken and you say you cannot swear precisely about the oath; can you tell the words of it exactly?
Answer. No, sir.
Question. I ask you if this was not the oath? [Reads oath given by J. W. Thompson before.]
Answer. This is about the oath I took; some of it I don't remember.
Question. You think this is nearer to it than the one Mr. Phillips read to you?
Answer. Yes, sir; it is.

Re-examined by Mr. PHILLIPS:

Question. Mr. Johnson, you say that you were one of the first that told about the Biggerstaff raid?
Answer. Yes, sir; I suppose I was.
Question. What time did you tell?
Answer. I don't recollect what time it was; it was before the election though, I think.
Question. How long?
Answer. I don't know.
Question. You are certain it was before the election?
Answer. Yes, sir; I think it was before the election.

Question. Were you under arrest about it?
Answer. Yes, sir.
Question. You had been arrested about the Biggerstaff raid?
Answer. Well, I was arrested but I didn't know what it was for.
Question. They arrested you about this Invisible Empire?
Answer. Yes, sir.
Question. In the oath that you took do you recollect whether the words "immaculate God," were in it?
Answer. It was "immaculate Judge," I think.
Question. You think the word "immaculate" was in it?
Answer. Yes, sir.
Question. You think it was, but are you certain it was?
Answer. Yes, sir; I know it was.

TESTIMONY OF JOHN GREEN.

Interrogatories by counsel for defendants, (Mr. STRONG:)

Question. Your name is John Green?
Answer. Yes, sir.
Question. Where do you live, Mr. Green?
Answer. I live in Rutherford County.
Question. How far from Mr. Biggerstaff's?
Answer. Well, sir, I don't know where he lives.
Question. Well, Mr. Green, what are your politics?
Answer. Well, sir, I always voted the republican ticket.
Question. Republican now, sir?
Answer. Yes, sir; I voted that way last election.
Question. You never have voted the democratic ticket?
Answer. Never have, sir.
Question. Did you ever belong to the Invisible Empire?
Answer. Yes, sir.
Question. Who initiated you, sir?
Answer. Franklin Green, of Cleveland.
Question. Were you a republican, sir, when you became a member of the Invisible Empire?
Answer. Yes, sir; always have been since the war.
Question. And have been a republican while you were in it?
Answer. Yes, sir.
Question. I ask you if you took any obligation to prevent your voting just as you pleased, when you entered that Empire?
Answer. No, sir; there was nothing said at all about it.
Question Was there any understanding—any information—that you must vote against the republican party, when you joined?
Answer. No, sir; they didn't tell me anything about the votes I was to give.
Question. I ask you, Mr. Green, was not the thing that you were to oppose the corruption of the republican party, but not the republican party itself?
Answer. It was to oppose the party in its corruptions; some how about that; in all its corruptions,
Question. I ask you Mr. Green if good republicans in your section of the State didn't use their efforts to encourage what they considered their party, without being Ku-Kluxes from the republican party?
Answer. I think they did, sir.
Question. Men in good standing in the republican party, in Rutherford County, were anxious to see some things changed in the republican party?
Answer. Yes, sir.
Question. And when you became a member of the Invisible Empire there was nothing there that prevented you from being just as good and sound a republican as you ever were before?
Answer. Not that I understood, sir.
Question. I ask you, Mr. Green, when you became a member of the Invisible Empire if you were sworn to disobey any law of the United States Government or of North Carolina?
Answer. No, sir, not that I understood.
Question. What was the object of the Invisible Empire, sir, as it was explained to you; was it mutual protection?
Answer. Somehow that way.
Question. Well, now, state them in your own words to the jury.
Answer. I can't remember the oath exactly. I didn't understand it to keep me from voting any way that I pleased.
Question. You didn't keep it a secret that you voted with the republican party?

Answer. No, sir; I didn't.
Question. You didn't vote the republican ticket in a secret, stealthy way?
Answer. No, sir.
Question. You voted for it right straight out?
Answer. I did.
Question. Did you ever see any of the brethren of the Invisible Empire with their disguises on?
Answer. Yes, sir; I saw them several times.
Question. State some occasion when and where you saw them.
Answer. There came some of them to my house one time.
Question. How many of them; about how many?
Answer. Some eight or ten.
Question. Were they disguised, sir?
Answer. Yes, sir.
Question. In what manner?
Answer. Well, some of them had on their false-faces—their horns, and so on—and some had on gowns and some didn't.
Question. Were they all disguised about their faces?
Answer. Yes, sir.
Question. I wish you would state to the jury whether you were close to them or not, sir.
Answer. Well, I was standing around the fire, and knocking about, and they were all about.
Question. And they were standing in the house?
Answer. Yes, sir.
Question. Did you look at them closely?
Answer. Yes, sir.
Question. Did you hear them talking?
Answer. Yes, sir.
Question. Describe the kind of false-faces to the jury, and state whether or not there were any holes in it.
Answer. They had holes around their eyes and mouth, and a little piece sewed on that made the nose.
Question. Could not you tell the color of their eyes?
Answer. No, sir,
Question. Could you not tell the color of their eyes by looking at them?
Answer. If they had looked right into my eyes I could have told whether they were black, or blue, or any other color.
Question. Did you try to recognize them?
Answer. Yes, sir.
Question. Did they treat you badly?
Answer. No, sir.
Question. They came on a visit to you, knowing that you were a member of the order?
Answer. Yes, sir.
Question. Was there a light there?
Answer. Yes, sir, I believe there was a little light, and I had just laid down. They come and called to me, and I got up as quick as I could to see them. I told them I would make a light, and they said there was a light. They told me to come out where they could see me good.
Question. You say there was a little fire when they first came?
Answer. Yes, sir.
Question. Was there a light afterwards made up?
Answer. When I first went to the door, there was a little light; I afterwards made up a good light.
Question. And they came in the house?
Answer. Yes, sir.
Question. And I understand you to say you were close to them?
Answer. Yes, sir.
Question. You could not recognize any man of that party—their eyes or their voices?
Answer. No, sir, not till they pulled off their disguises.
Question. Could you know them by their motions?
Answer. No, sir, I could not swear to a motion.
Question. When they pulled off their disguises, did you not recognize them?
Answer. Yes, sir.
Question. Were they well known to you?
Answer. Yes, sir. The first man that pulled off his disguise, he spoke to my sister, and asked her if she knew him, and she said that she didn't.
Question. Never mind about that. Did your sister recognize either one of them?
Answer. No, sir, not till he pulled off his cap and she——

ATTORNEY OF UNITED STATES. Never mind about that, sir; don't give any conversations.

Cross-examined by counsel for United States, (Mr. PHILLIPS:)

Question. Mr. Green, when did you join the Invisible Empire?
Answer. I joined in February last.
Question. When did you leave it—when did you quit?
Answer. Well, after——
Question. How long ago?
Answer. It was in April some time, I suppose.
Question. You belonged to that same Den that Mr. Shotwell didn't receive?
Answer. Yes, sir.
Question. Then it broke up?
Answer. Well, I reckon there was a man or two initiated after that.
Question. What time did you cease being a member?
Answer. Well, sir, I don't know that I considered that I didn't belong to it at all till I went up to town and made my confession to Mr. Justice.
Question. What time was that; before the election?
Answer. No, sir; after the election.
Question. Had you been lying out any?
Answer. I staid out awhile.
Question. When?
Answer. Just two weeks before the election.
Question. How came you to stay out?
Answer. Well, sir, I heard they had a warrant out for me.
Question. As a member of the Empire?
Answer. Yes, sir.
Question. And you left?
Answer. Yes, sir; I thought that I could not give security and I didn't want to lie in jail. When I found I could give security I came in and surrendered myself.
Question. Was there any election for you to vote at from the time you joined the order till the time you gave yourself up?
Answer. Not till that day.
Question. How came you to give yourself up?
Answer. Well, I found out I could give security and keep out of jail, and I came in and submitted.
Question. Did you tell everything?
Answer. Yes, sir.
Question. When did you tell it?
Answer. I don't know when I told. I saw Mr. Scroggins the morning of the election, and he said he would give me a few days to get my security.
Question. What was Mr. Scroggins—commissioner?
Answer. Yes, sir. On Thursday, the day we were to have a hearing, I give, I think, old man George Hambrick.
Question. Are you any relation to Elias Hambrick?
Answer. Yes, sir.
Question. Why did Shotwell refuse to receive you?
Answer. I don't know, except what he said. He said that he had given no order for it, and that it wasn't framed right, or something like it.
Question. Was Hambrick a republican?
Answer. Yes, sir; he always voted that way.
Question. What did you join the Empire for?
Answer. I don't hardly know what made me join it. At the start I had heard of such a thing; well, a man told me, that ought to know, that it was a good thing.
Question. Good for what?
Answer. They never said.
Question. Didn't say it was good for anything?
Answer. They said that a man should be protected from——
Question. What?
Answer. Anything that might come on him in any way.
Question. Raids?
Answer. I don't know, sir, that he said raids.
Question. Were you afraid of being raided on?
Answer. I don't know as I was particularly afraid of it; I didn't know but what there might be.
Question. Was there any talk about distilling?
Answer. I didn't have any still and wasn't thinking anything about stilling.
Question. You say you were a republican, and didn't think anything about it at all, except corruptions?
Answer. No, sir.

Question. Was there anything in the oath about the radical party?
Answer. Yes, sir; they said something about denouncing the radical principles and all its corruptions.
Question. Denouncing the radicals and all the forms of radicalism, was it not?
Answer. No, sir; not all its forms.
Question. Was the word "immaculate" in it?
Answer. I don't know, sir, whether that was or not.
Question. Can't you recollect now?
Answer. That was at the start of it.
Question. Didn't you say you promised before the "immaculate God;" that you agreed to the following sacred obligations before the immaculate God?
Answer. I think it was pretty much that way.
Question. Didn't it wind up by saying that if you told anything it was "death, death, death, at the hands of the brethren?"
Answer. Yes, sir; that was the last part of it.
Question. Did it say anything about obeying your chief?
Answer. No, sir.
Question. Did it say anything about widows and orphans?
Answer. Yes, sir; widows and orphans should ever be their especial care; somehow that way.
Question. Did it say anything about "the Constitution as handed down in its original purity by our forefathers?"
Answer. I don't recollect anything about it.
Question. You read and write?
Answer. Yes, sir, a little.
Question. You understood you could be just as good a republican afterwards as before?
Answer. Yes, sir.
Question. And you told the jury there was no opportunity for you to vote all the time you were in it. Did you vote afterwards—after you were in it?
Answer. I did.
Question. When?
Answer. At this last election.
Question. That was after you had given up?
Answer. Yes, sir.
Question. Did you send Mr. Scroggins any word about it?
Answer. I don't know that I did.
Question. How came Mr. Scroggins to give you a day or two to give your security?
Answer. I think Mr. Hambrick had seen him, and he said if we would come in and give ourselves up he would give us time to get our security.
Question. Who did you vote for at this last election?
Answer. Well, sir, I voted agin the convention.
Question. Who did you vote for to go to the convention?
Answer. I voted for Mr. Logan.
Question. Will you tell the jury were you ever on a raid?
Answer. Yes, sir.
Question. Against whom?
Answer. The first one was against Martin Pearson.
Question. What was he?
Answer. He was a black man.
Question. What did you raid on him for?
Answer. Well, I can tell you what they told me. He had said some time before that he had been on with a wagon, and, I think, he had got some money, and he said as he came back that the Ku-Klux had robbed him.
Question. And you raided on him for that?
Answer. He also stated that if any of the Ku-Klux came to his house he would know some of them and would kill them. Then, I was at Bill Green's one night, and there came three men there, and said they was going, and wanted us to go with them, and we went.
Question. And you raided him because he said he would kill any of the Ku-Klux that came to his house; that he would know them?
Answer. Yes, sir; he said he would kill some of them.
Question. Did you go in disguise?
Answer. Yes, sir.
Question. What did you do?
Answer. Well, they took him and whipped him a little.
Question. How much?
Answer. I don't know. Maybe some fifteen licks.
Question. What did they say to him when they whipped him?

Answer. Well, I don't know exactly, except about what he had been threatening. They just asked him about what he had been threatening—about accusing the Ku-Klux.
Question. Did you abuse him any?
Answer. No, sir.
Question. On anybody else?
Answer. Well, we went on another, on Mike Green, that night.
Question. What was he?
Answer. He was a white man.
Question. What for?
Answer. For leaving his wife.
Question. Is he any kin to you?
Answer. He is my great-uncle.
Question. How old a man is he?
Answer. Some thirty-five or forty.
Question. Your great-uncle some thirty-five or forty; do you mean to say that he is a brother of your grandfather; how old are you then, sir?
Answer. Some thirty-five or forty.
Question. You say he had left his wife and children?
Answer. He hadn't left his children; he only went off and staid two or three days at a time.
Question. Did you try this man before you started to whip him?
Answer. There was no trial about it that I knew anything of.
Question. How long did you stay at Mike Green's?
Answer. Well, sir, probably we might have staid there half an hour.
Question. Did you whip him?
Answer. Well, some. They told him if he didn't work and take care of his children, and put clothes on them, they would come back again.
Question. Any other raid?
Answer. Yes, sir; one on Ben. Houser.
Question. White or black?
Answer. Black.
Question. What did you raid on him for?
Answer. Well, they said some women that lived close to him, that had their cows in the field, had them injured by him; that he had broke some of the cows' legs, and split their tails, and drove them off home.
Question. Did they try him?
Answer. Yes, sir.
Question. What was the sentence?
Answer. Well, sir, they said he was to be whipped.
Question. Did you go in disguise?
Answer. Yes, sir.
Question. How many?
Answer. Ten or eleven.
Question. Another raid?
Answer. Yes, sir; on one more raid.
Question. On who?
Answer. On a little black boy named Morgan Walker.
Question. Did you whip him?
Answer. Yes, sir.
Question. How many went to attend to him?
Answer. Five or six, I believe.
Question. How big was he?
Answer. A common-sized boy.
Question. Of what age?
Answer. Twelve or fourteen years old, I think.
Question. Did you whip him?
Answer. Yes, sir.
Question. How many lashes?
Answer. Some three licks apiece.
Question. How many were along?
Answer. Some five or six, maybe seven of them. I know all the names of all of them.
Question. Any other raid?
Answer. I can't tell nary nother one, sir.
Question. Did you raid any in last April?
Answer. Yes, sir; somewheres in April.
Question. Did you raid after Shotwell said he wouldn't take you?
Answer. No, sir.
Question. All the raiding was before that?
Answer. Yes, sir.

Question. That was in April, was it not?
Answer. Yes, sir.
Question. Was that before the Biggerstaff raid or after?
Answer. After that, I suppose.
Question. You say you weren't on the Biggerstaff raid. What time was it that these disguised men came to your house?
Answer. Well, sir, I don't know; it might have been the 1st of May.
Question. They came there to your house and showed themselves, and you could not tell them?
Answer. No, sir—not till they pulled off their disguises.
Question. Anything said about the Biggerstaff raid that night?
Answer. No, sir, not a word.
Question. Any other raid talked about that night?
Answer. No, sir.
Question. How long did they stay there?
Answer. They staid there, I suppose, fifteen or twenty minutes.

Redirect by counsel for defense, (STRONG:)

Question. You say you were on the raid against Martin Pearson?
Answer. Yes, sir.
Question. I wish you would tell that jury whether his politics had anything to do with it?
Answer. No, sir, not that I ever heard of.
Question. Mike Green; what were his politics?
Answer. I don't think he ever had any in his life. I don't think I ever saw him at an election ground in his life. It was for nothing more than what I told of—leaving his children two or three days without anything to eat.
Question. Ben. Houser; you say that you raided him because he broke the leg of a cow that belonged to some lady?
Answer. Yes, sir, that was all that I ever heard about that, too.
Question. The raid upon him had nothing to do with his politics at all?
Answer. No, sir, they never told me anything of that sort.
Question. This little boy, Morgan Walker; what was his age?
Answer. I could not tell, for certain, what his age was; some fourteen years old, I reckon.
Question. Never heard of his voting, did you; his politics had nothing to do with the raid?
Answer. No, sir.
Question. Did you ever hear of a raid on a man because of his political sentiments?
Answer. No, sir, none that I was on.
Question. Did you ever converse with any members of the Invisible Empire that belonged to any other Den?
Answer. No, sir, not anything that I recollect of now.
Question. Were you acquainted with any of the members of the Sandy Run Den?
Answer. No, sir, I don't know where that is.
Question. Acquainted with any of the members of the Den?
Answer. I don't know where that is. I never was up at Cherry Mountain in my life.

Re-examined by Mr. PHILLIPS:

Question. Did you know anything about a raid on Mr. Carpenter?
Answer. Yes, I had forgot to tell that.
Question. Well, sir?
Answer. That was the night we went to Houser's. They went by his house.
Question. What Carpenter was that?
Answer. Henry.
Question. What was that for?
Answer. Well, some of them said that he had been threatening the Ku-Klux, to kill some of them, if any of them went there.
Question. He had threatened to kill some of them if they went to his house?
Answer. That was what was said.
Question. Did they try him?
Answer. No, sir.
Question. How many went to Carpenter's?
Answer. Ten or eleven.
Question. Did you see Carpenter?
Answer. Yes, sir.
Question. What did they say to him?
Answer. I don't know that they said anything to him. They asked him if he had any pistol, and he said he didn't. They asked him if he had any gun, and he said he had, and they took it from him and took it off.

Question. What did they do with it?
Answer. Well, sir; I don't know what they did with it.
Question. Because he said we would kill the Ku-Klux if they came there they went and took away his gun?
Answer. I don't know anything about it.
Question. Did they threaten him?
Answer. Not that I heard of.
Question. Give me any reason for taking his gun away.
Answer. Well, I don't know that they did. They might have told him that they heard of his threatening this.
Question. You were present?
Answer. Yes, sir; I was right there.

TESTIMONY OF THOMAS WOOD.

Interrogations by counsel for defendants, (Judge FOWLE:)

Question. Mr. Wood please state to the court and to the jury where you live, sir.
Answer. I live in Cleveland County, North Carolina.
Question. How far do you live from Aaron Biggerstaff's?
Answer. I don't know, sir. I don't know where he lives.
Question. Did you ever hear of the Invisible Empire, Mr. Wood?
Answer. Well, I heard of it since I came here.
Question. Well, were you ever a member of anything up there or not?
Answer. I am an unlearned man and don't know the nature of politics.
Question. Did you ever become a member of any secret organization up there?
Answer. Yes, sir; I became twice.
Question. When and where?
Answer. I went into a League.
Question. What was the second one?
Answer. Well, it was some of these that you have up here, I suppose; I don't exactly know what it is, to tell the truth.
Question. When was it you became a member of this last one?
Answer. I forgot, exactly. Somewhere about the last of February or first of March; I believe it was the first of March.
Question. March in this year?
Answer. Yes, sir.
Question. You say the first society you joined—the first one of the secret society—was the League. Please state to the court and jury what your politics are, Mr. Wood?
Answer. Well, my politics has always been to sustain the Union. I was opposed to the rebellion when secession got up.
Question. How has it been since the war?
Answer. Well, since the war I claim the same. I claimed to be what is called a Union man, and claim that yet.
Question. I want to know which one of the present political organizations you consider yourself a member of?
Answer. I don't know which I am. I just claim to be a member of that government we had before the war. My father was always a whig, and I was on the General Washington platform.
Question. Did you vote with the democratic or republican party this last fall?
Answer. I didn't vote at all; I was in prison.
Question. Twelve months ago, how did you vote?
Answer. I voted on the republican side, all to one vote.
Question. Who did you vote for that one vote?
Answer. For Mr. McAffee.
Question. Who did you vote for for President three years ago?
Answer. I voted for Grant.
Question. How did you vote upon the question for or against the constitution?
Answer. I voted for it.
Question. You say that you didn't vote in this last election at all?
Answer. No, sir; not at all.
Question. Did you vote for or against Governor Holden?
Answer. I voted for him.
Question. You consider that your only politics are that you are in favor of the Union?
Answer. Yes, sir; I have always been of that kind. For the good of our county is what I aimed to do. That's my principle.
Question. You say you became a member of this organization in March?
Answer. Yes, sir; I suppose I had.
Question. Was there anything in that organization that prevented you from voting just as you saw fit?

Answer. No, sir; if there was I don't recollect.
Question. Who initiated you?
Answer. I don't know, sir; I was blindfolded.
Question. Where was it?
Answer. In Cleveland County, close to the line between Rutherford and Cleveland, on the Cleveland side.
Question. Did you understand there was anything in the organization that made it incumbent on you to oppose the Union?
Answer. No, sir; I would not have joined if I had thought that way.
Question. Anything to violate the Constitution of the United States?
Answer. No, sir; it was to support the present laws and the Constitution of the United States and the State.
Question. Anything in there to persecute a man simply because he voted differently from what you did?
Answer. No, sir.
Question. Well, sir, would or would you not have sworn to anything of that kind?
Answer. If I had understood it that way I would not. If I understood it at all, I understood that we was not to do anything against the laws of our country.
Question. What was the oath that was administered to you, as near as you can get to it?
Answer. Well, I don't recollect it.
Question. Did you swear to oppose the republican party?
Answer. No, sir; I didn't understand it that way.
Question. Was there anything about opposing the corruptions of the party?
Answer. If there was I didn't understand it that way.
Question. I don't think you understood me, sir. You say there was nothing there to oppose any particular party. I ask you if there wasn't something in the oath that was opposing anything that was corrupt?
Answer. Yes, sir; I didn't understand you.
Question. There was nothing in the oath to make you oppose any—the republican or democratic party?
Answer. No, sir.
Question. But there was something about opposing the corruptions of the republican party?
Answer. My understanding was that there was nothing in it against the laws of our country. I can establish that. I am a man of short recollection.
Question. I ask you if you didn't join for mutual protection?
Answer. Yes, sir; as I understood it.
Question. What was it that you wanted to be protected against?
Answer. Well, there was raiding around and whipping that I could hear of, and it was said that was the way to be saved.
Question. They told you that the way to be saved was to join this organization?
Answer. Yes, sir; that there was no wrong in it, and by joining it a man would be in no danger of being whipped, and that there was nothing against the laws of the country in it, so I joined it.
Question. If there had been anything of the kind—of opposing any party, you would not have joined it?
Answer. No, sir.

Cross-examined by counsel for United States, (Mr. PHILLIPS:)

Question. You say you are from Cleveland County?
Answer. Yes, sir.
Question. Are you in favor of colored people holding office?
Answer. I have nothing to do with that.
Question. Are you in favor of it or not?
Answer. Well, I would rather that white men should.
Question. Are you? You must answer my question. Is he capable?
Answer. I don't think he is.
Question. You are not in favor of it?
Answer. I don't know, sir.
Question. Do you not think he is capable to hold office?
Answer. No, sir; not in our country.
Question. Do you know of his holding office anywhere?
Answer. No, sir.
Question. Is he capable of voting in your country?
Answer. Well, I don't think they are, sir; in our section of the country.
Question Do you know of any place where he is capable of voting?
Answer. Well, I suppose any man is capable to vote if the law allows him. I am willing for him to vote if the law allows him voting. I hain't any objections to him voting.

Question. Did you understand this Invisible Empire as being a white man's party?
Answer. Yes, sir; just in favor of white men's government.
Question. Against the colored men voting?
Answer. I can't recollect.
Question. Just recollect. You are a respectable man; just give us your answer. Was there anything against the colored man voting?
Answer. Yes, sir; I expect there was.
Question. You joined it on that account?
Answer. Yes, sir.
Question. And you so understood it?
Answer. Yes, sir.
Question. Was not that Invisible Empire the white man's party?
Answer. Well, sir, I reckon so.
Question. Was it not against the colored man's voting?
Answer. I don't know, sir; only as I supposed it to be for a white man's government. That was the nature of it—the white man to rule.
Question. Was it against the colored man's voting?
Answer. Well, sir, I can't say about it.
Question. Can you just about tell; was or was it not?
Answer. I expect it was, sir.
Question. Where did you join; below the Cleveland line?
Answer. No, sir; it was on this side.
Question. You don't know who initiated you, sir?
Answer. No, sir.
Question. How came you to go there?
Answer. I was asked to go there.
Question. Who told you to go?
Answer. My son. Well, sir, he didn't tell me to go, he only told me the nature of the thing. He told me what was up, and what was going on in the settlement, and he said he thought it was a good thing. He said it was to keep the black ones from stealing the meat out of my meat-house, and so on.
Question. What did you mean by raiding around?
Answer. Well, I don't know, sir. I told my son when he asked me to join—I told him, says I, "I have joined one party and I did say I never would join another, and I am a good mind never to join another."
Question. What other conversation was there between you and your son?
Answer. That was all, and he said I could study about it.
Question. How long did you study about it?
Answer. Well, some two or three days. He always called me pap. Says he, "Pap, I think you would be safest that way."
Question. Did he say he wanted you to do anything?
Answer. No, sir. He says, says he, "We don't want you to do anything." It was only where anybody committed any adultery or violated the laws or other things against the laws of the country; they wanted to put it down.
Question. How were they going to put it down?
Answer. By whipping them, I suppose.
Question. Was anything said about politics?
Answer. Not that I understood went to discomfit me.
Question. When did you join?
Answer. In March.
Question. When did you quit?
Answer. I quit when this last bill came out against secret societies.
Question. Then you quit?
Answer. Yes, sir.
Question. You didn't vote this last election.
Answer. No, sir. McAffee was the only vote I ever voted outside of the Union party.
Question. Was there anything in the oath that you took about the "immaculate God?"
Answer. No, sir; I don't recollect that.
Question. When they took the blindfold off what did you see?
Answer. They had pistols just presented before me.
Question. Knife?
Answer. No, sir.
Question. How many pistols?
Answer. Only one, I think, sir.
Question. Who had that?
Answer. I don't recollect, sir.
Question. Do you recollect anybody that was there at that meeting?
Answer. Well, yes, sir, I recollect——
Question. Who?

Answer. Well, there was my two sons.
Question. Who else?
Answer. There was my two cousins there.
Question. Your cousins?
Answer. Yes, sir.
Question. Are your sons or cousins indicted here at all?
Answer. I think they are, sir.
Question. Were you indicted?
Answer. Yes, sir; I suppose I was.
Question. Were you ever on a raid?
Answer. Well, no, sir; I never went on a raid as I considered, but I seed a black man whipped one night. It was on the way home, the very night I went in.
Question. Who was it?
Answer. A black boy.
Question. What was he whipped for?
Answer. For sassing a white boy.
Question. How much whipping did you give him?
Answer. Not a great deal.
Question. Was he a large boy?
Answer. Pretty good size, sir.
Question. How far was this Den from your house?
Answer. About a mile, I reckon.
Question. On the big road?
Answer. No, sir; on what was called the settlement road.
Question. Was it in the house?
Answer. No, sir; in the woods.
Question. How many were there?
Answer. About a half a dozen, I suppose.
Question. And you all went along to see that boy whipped?
Answer. No, sir; it was got up before I joined.
Question. How many went?
Answer. All that was there.
Question. It was on the road; you didn't turn out at all?
Answer. Yes, sir.
Question. For sassing somebody?
Answer. Yes, sir; he sassed some folks at a corn-shucking, and wouldn't shuck any corn.
Question. Was anything said about "death, death, death," in your oath?
Answer. Yes, sir.
Question. Was anything said about families and orphans?
Answer. Yes, sir; to protect them.
Question. Was anything said about the radical party?
Answer. Not as I recollect to be against them.
Question. Was anything said about obeying your chief?
Answer. No, sir; that was the first of that little Den starting.
Question. You were in the very beginning of it.
Answer. Of that little Den; yes, sir.
Question. That was last February or March?
Answer. Yes, sir. As well as I recollect it was about the 1st of March.
Question. Were you on the committee?
Answer. Well, they appointed me a committee that night.
Question. Who was the chief?
Answer. It was my son.
Question. Did you expect the office of committee?
Answer. Well, yes, sir; I expected it, but didn't like it.
Question. Did you ever try anybody as committeeman?
Answer. No, sir.
Question. You say you joined about the 1st of March; how long were you a member?
Answer. Well, I just staid there; I never had anything to do with it.
Question. You said you quit when the law came out. How long was it from the time you joined till you said you would have nothing more to do with it; some three or four months?
Answer. No, sir; not so long.
Question. Well, wasn't it three months?
Answer. No, sir; I think about two months will do.
Question. Was it in May?
Answer. I think a month and a half will do. I think a month will do. I think it was the last of April that I said I would have nothing more to do with it.
Question. You didn't understand it to be anything against your principles?

Answer. No, sir; and I told them that when I went into it, if it was against the laws of the country, or anything that was wrong, I wouldn't go into it.

Question. Should you consider yourself a conservative after you went in?

Answer. I wasn't conservative any more than I was republican.

Question. Did you consider yourself still a republican?

Answer. I didn't consider myself still a republican; I consider myself the same man.

Question. You don't answer the question?

Answer. Yes, sir, I consider myself a republican.

Question. Did you ever have anything to do with the Biggerstaff raid?

Answer. No, sir.

Question. Had you quit before the Biggerstaff raid, or afterwards?

Answer. I don't recollect about that, sir.

Question. Didn't some men go out of your settlement on that raid?

Answer. If there was I don't recollect.

Question. Don't you recollect whether you quit after that or before it?

Answer. I just told the party that I wasn't going to have anything more to do with it about the last of April.

Question. That was after the Biggerstaff raid?

Answer. Well, I don't know, sir, anything about the Biggerstaff raid.

Redirect by counsel for defendants, (Mr. STRONG.)

Question. You say you are a Union man?

Answer. I claim that I don't know what I am.

Question. You say that while you were in that organization that you considered yourself the same manner of man politically that you were before?

Answer. Yes, sir, I am the same man I always was. I said if it was the thing it was reported to me, I was a member, and if it was not, I was not a member of it.

Question. You wasn't joining if there was anything in it against the Union?

Answer. Yes, sir, that's it.

Question. Mr. Wood, you say you never heard of anything there to prevent you from voting as you pleased.

Answer. Not as I recollect, sir. I wouldn't have went into it if I had understood it that way—taking my liberties from me.

Question. Did you understand the Invisible Empire to prevent a man from voting by threats, intimidation, or anything of that kind?

Answer. No, sir.

Question. And they raided this negro for sassing?

Answer. Yes, sir. It was because he sassed and called them names, drank their liquor, called them big eyes, and wouldn't do anything—wouldn't shuck corn.

Question. I ask you, Mr. Wood, if it wasn't currently reported in that neighborhood that there was drilling going on there at night?

Answer. Yes, sir; down toward York.

Question. You say you went into there to keep yourself from being raided on?

Answer. Yes, sir, more for that than anything else.

Question. You weren't afraid of the Invisible Empire raiding on you on account of your politics were you?

Answer. No, sir. There were persons there stealing corn, and burning down barns, and I think it was against that. It was to keep down stealing, robbing, &c. A good deal of it was going on. Down at York there was a burning going on there and stealing of hogs.

Question. Was not there considerable alarm manifested in your county at that time about these burnings, stealings, and so on?

Answer. Yes, sir, that's so, every bit of it.

Question. You say it was reported then in that neighborhood that there was a band of men in York district, South Carolina, that were burning, stealing hogs and corn, and that this Invisible Empire would protect you from this.

Answer. Yes, sir, that was my understanding.

Question. What were the politics of your son?

Answer. He has been the same that I have.

Question. He was a Union man?

Answer. Yes, sir.

Question. He went for the party that was most for the Union.

Answer. Yes, sir.

Question. Voted for Governor Holden, didn't he?

Answer. I don't know whether he did or not.

Question. Which of your sons was it that mentioned this thing to you?

Answer. That was my second son; his politics was the same as mine.

Question. Did he vote for Governor Holden?

Answer. I don't think he was old enough.

Question. Was he old enough three years ago to vote at the presidential election?

Answer. Well, I can't recollect.
Question. But you do recollect that his politics are the same as your own?
Answer. So far as I recollect.
Question. Both of your sons?
Answer. I know that my eldest son went into the League the same time that I did.
Question. I ask you, sir, if during the last year there was not a large machine establishment burnt in your neighborhood that was supposed to have been burnt by incendiaries?
Answer. Well ——
[Question objected to and withdrawn.]

Re-examined for the Government by Mr. Phillips:

Question. Didn't I understand you to say to Judge Fowle, when you were first examined, that when you went into the organization you would not be whipped?
Answer. Yes, sir; they said I was safe that way. They said there might be some danger; they didn't think, though, that I would be whipped nohow.
Question. But if you went in there would be no danger at all of your being whipped?
Answer. No, sir.

[The defense then put in evidence the following warrants, issued in April, 1871, also the bill of indictment:]

"RUTHERFORDTON, NORTH CAROLINA, *April* 9, 1871.

"To N. E. WALKER:

"Whereas an affidavit has been made before me that Amos Owens, John Wethrow, Jason Wethrow, James Sweazy, Julius Fortune, Joseph Fortune, Benjamin Fortune, Samuel Biggerstaff, Alfred W. Biggerstaff, Bart Biggerstaff, Randolph Depriest, William C. Depriest, Dos Depriest, Ben. Gold, Perry Gold, Bob Gold, Bill Covington, Daniel Martin, Hall Martin, Scott Tomes, Thomas Tomes, Daniel Gold, Alexander McEntire, Amos Harrill, Olin Carson, Marcus Tucker, William Baber, sr., Joseph Wilson, Lawson Teal, and Joseph Depriest were, on or about the 8th instant, masked and disguised, and while so masked and disguised did attack, beat, and abuse and ill-treat Aaron Biggerstaff, Mary Ann Norville, and Margaret Biggerstaff excessively: You are therefore commanded to arrest the above-mentioned parties and bring them before me at Rutherfordton immediately.

"G. W. LOGAN."

"RUTHERFORDTON, NORTH CAROLINA, *April* 9, 1871.

"To JOHN E. MCFARLAND:

"Whereas an affidavit has been made before me that Amos Owens, John Wethrow, Jason Wethrow, James Sweazy, Julius Fortune, Benjamin Fortune, Samuel Biggerstaff, Alfred W. Biggerstaff, Bart Biggerstaff, Randolph Depriest, W. C. Depriest, Dos Depriest, Ben. Gold, Perry Gold, Bob Gold, Bill Covington, Daniel Martin, Hall Martin, Scott Toms, Tom Toms, Daniel Gold, Alexander McEntire, Amos Harrill, Alin Carson, Marcus Tucker, William Baber, sr., Joseph Wilson, Lawson Teal, and Joseph Depriest were, on or about the 8th of this instant, masked and disguised, and while so masked and disguised did attack, beat, abuse, and ill-treat Aaron Biggerstaff, Mary Ann Norville, and Margaret Biggerstaff excessively: You are therefore commanded to arrest the above-named parties and bring them before me, at Rutherfordton, immediately.

"G. W. LOGAN."

"RUTHERFORDTON, NORTH CAROLINA, *April* 22, 1871.

"Upon an affidavit made that on or about the 8th of this instant a number of men masked and disguised were at the house of Aaron Biggerstaff, a citizen of Rutherford County, and he, the said Aaron Biggerstaff, and Margaret Biggerstaff, and M. A. Norville each did beat, wound, and ill-treat, and that John Carlton, Taylor Carson, Lawson Teal, and Lawson Sweazy were of the number who participated in said violence on the persons aforesaid: You are therefore commanded to arrest the said John Calton, Taylor Carson, Lawson Teal, and Lawson Sweazy, and have them before me, at this place, on the 8th of May next, and neither of them to depart without leave first had.

"G. W. LOGAN, *Ninth Justice.*"

TESTIMONY OF PLEASANT FORTUNE.

Interrogations by counsel for defense, (STRONG.)
Question. Mr. Fortune, do you know Ben Fortune, or Doc Fortune, as they call him?
Answer. Yes, sir.
Question. What kin are you to him, sir?
Answer. I am his father, sir, and the father of Daniel Fortune.

Question. Do you know Joseph Wilson?
Answer. Yes, sir.
Question. Well, sir, do you know Mr. Aaron V. Biggerstaff?
Answer. Yes, sir.
Question. Do you know when the first raid was made upon him?
Answer. Yes, sir.
Question. What time was that, sir?
Answer. It was on the 8th of April, I think, sir.
Question. April last?
Answer. Yes, sir.
Question. Can you tell where Ben and Daniel and Joseph Wilson were that night?
Answer. Yes, sir; they were at my house as far as I knew. I think they sat up in the room until past 10 o'clock; I didn't have any time-piece. I think it must have been past 10 o'clock.
Question. Who else was there, sir, at the time?
Answer. Well, Joseph Wilson was there and J. W. Walker.
Question. What other members of your family were there, sir.
Answer. Well, Doc Fortune and Daniel Fortune, they were there, and my sister, who lives in the house right close by.
Question. How far off, sir?
Answer. Well, sir, from the edge of the piazza to her house it is not more than six feet.
Question. Which went to bed first, you or those boys?
Answer. I went to bed first. I went out to go to bed, when Adeline, my sister, went out. As I went to bed she went into her house.
Question. Where did those boys sleep?
Answer. They slept up-stairs in the loft. The way the houses are built, the stairs, steps, run up right between the houses.
Question. How many rooms were there up-stairs?
Answer. There was two rooms; one in each loft.
Question. This room that they slept in—was there any way of getting out of it?
Answer. No way at all except to go down the stair-steps where they went up.
Question. There is no window and no door to get out at?
Answer. No, sir; none at all.
Question. What was Joseph Wilson doing there?
Answer. Well, he and J. W. Walker come over on a visit just a little while before night.
Question. Where did Walker sleep?
Answer. He slept up in the same room where the boys slept.
Question. Did you hear them go to bed?
Answer. Yes, sir; I heard them go up-stairs and go to bed.
Question. How long before you went to sleep?
Answer. It may have been a half an hour after I went to my room when they went up; and I hadn't gone to sleep.
Question. How far do you live from Aaron Biggerstaff's?
Answer. About two miles.
Question. Did you hear anything that night?
Answer. Yes, sir; I heard a bad barking among the dogs all over the settlement.
Question. Did or did not any one get up on account of the barking of dogs?
Answer. No, sir; no one got up in the house that I was in—nobody-up stairs.
Question. I don't mean anybody up-stairs, but down-stairs. Did your wife get up?
Answer. No, sir.
Question. Are you certain that those boys couldn't get out without your knowing it?
Answer. Yes, sir.
Question. What time did you get up next morning?
Answer. Right soon.
Question. Were these men there?
Answer. Yes, sir.
Question. What time did they leave?
Answer. They left after breakfast a while.
Question. You were the father of these two boys?
Answer. Yes, sir.
Question. Are you any kin to Joseph Wilson, or not?
Answer. No, sir; none at all.
Question. State whether or not, sir, that night, at your house, did you see anything of Taylor Carson, Olin Carson, or Leander Toms?
Answer. Yes, sir; they came into my house just as it was getting dark, and Doc Fortune, he had been out, and came in with them.
Question. Doc Fortune, Leander or Scott Toms, Taylor Carson, and Olin Carson—what time did they get there at your house?

Answer. Just about dark, I think; it was good dark when they got there.
Question. What time did they leave there?
Answer. They sat out on the piazza for a while, and went in and eat supper, all but Scott Toms, and he said he would eat supper at home. I heard Scott Toms ask my son to go over home with him, and then they all went off.
Question. Did they or did they not go in the direction of his house?
Answer. Well, some of them was riding—one or two of them; but they all taken the path through the fields off his way.
Question. How far was William Toms's from your house?
Answer. It is not much over three-quarters of a mile. Next morning, when I got up, I saw my son when he came home from Mr. Toms's right through the fields.

Cross-examination:

Interrogatories by counsel for United States, (PHILLIPS:)
Question. Do you belong to the Invisible Empire yourself?
Answer. No, sir.
Question. How far do you live from Mr. Biggerstaff's?
Answer. Somewhere near two miles.
Question. Did I understand you to say that you heard no noise over there?
Answer. I didn't hear any noise except the dogs barking all over the settlement.
Question. Is this Mr. Walker here indicted?
Answer. No, sir; he is a witness.
Question. Is that Mr. Walker any kin to Mr. Johnson?
Answer. He is a witness here.
Question. Alvin Johnson?
Answer. Well, I don't know, sir.
Question. Don't you know Alvin Johnson?
Answer. Yes, sir.
Question. Do you know who his mother was?
Answer. I know his father; I went to school with him.
Question. Do you know his mother?
Answer. No, sir.
Question. You don't know who she was?
Answer. Yes, sir; she was a Walker.
Question. You say he was at your house; where does he live?
Answer. Somewhere between four and five miles from my house; I reckon it is about four miles.
Question. East or west?
Answer. Sort of southeast direction.
Question. Does he live on the road toward Sandy Run somewhere?
Answer. Yes, sir; down that way.
Question. What time did he get to your house?
Answer. Well, I don't recollect, probably an hour by sun.
Question. What time did he leave your house?
Answer. He left next morning after breakfast a while.
Question. Who came with him?
Answer. Joseph Wilson.
Question. Does he live down at Sandy Run?
Answer. He lives in that direction.
Question. How far from your house?
Answer. Somewhere along six miles.
Question. Is he a neighbor of Mr. Walker?
Answer. Well, I don't know how far it is from Mr. Walker's.
Question Are they any kin?
Answer. Yes, sir.
Question. What kin are they?
Answer. Well, I reckon they are cousins, I expect.
Question. First cousins; how?
Answer. I think Mr. Joseph Wilson's father's wife is a sister of Mrs. Walker.
Question. First cousins?
Answer. Yes, sir.
Question. You say Walker and Wilson came together; anybody else come with them?
Answer. No, sir.
Question. Both staid all night?
Answer. Yes, sir.
Question. Did they come on any business?
Answer. None at all that I knew of.
Question. Is Joseph Wilson a young man?
Answer. Yes, sir.

Question. Is J. W. Walker a young man?
Answer. Yes, sir.
Question. They came over there to see the boys?
Answer. Yes, sir.
Question. Is Wilson or Walker a married man?
Answer. No, sir; a young man.
Question. You say they staid there all night?
Answer. I saw them go to bed, and I didn't see them until next morning.
Question. You say nobody got up at that barking I spoke of?
Answer. No, sir.
Question. What time did you lay down?
Answer. A little after 10 o'clock.
Question. Were the boys up when you went to bed?
Answer. Yes, sir; they were in their room talking.
Question. You are certain you didn't go to sleep?
Answer. No, sir.
Question. Was your wife up when you went to bed?
Answer. Yes, sir; she went up-stairs to fix the bed for them to sleep in.
Question. Did the boys go by your bed to go to bed?
Answer. No, sir; they went up right by the stairs right between the two houses.
Question. Which of your boys were there?
Answer. Ben and Daniel Fortune both were there that night.
Question. Had they been off anywhere during the day?
Answer. Yes, sir; Doc. Fortune had been off during the day, but he came home with Scott Toms that evening.
Question. Which way did Scott Toms live from there?
Answer. Rather a southwest course.
Question. In what neighborhood is that—how far from you?
Answer. 'Taint more than three-quarters of a mile, I think; right close to the settlement.
Question. He lived nearer Biggerstaff when he was at home than when he was at your house?
Answer. No, sir; there ain't any difference; I reckon they are about as near.
Question. You say you didn't know anything about this raid on Biggerstaff?
Answer. No, sir; I heard of it Sunday evening.
Question. You never heard anybody say it was to be?
Answer. No, sir; I didn't.
Question. These are the five persons that were at your house: Daniel and Doc. Fortune, Scott Toms, J. W. Walker, and Joseph Wilson; anybody else?
Answer. One of Jesse Wells's daughters came to see my daughter. She and my sister were there that night.
Question. Were there any other gentlemen at your house except those five?
Answer. No, sir; that's all I can recollect.

Redirect examination:

Question. You say that these young men were in the habit of passing backward and forward between your house; it is not anything unusual for them to be there, is it?
Answer. Well, sir, I don't recollect whether Joseph Wilson had been there before or not; I don't think he had been there before.
Question. Had Walker been there before?
Answer. Yes, sir.
Question. This was Easter Sunday, you say, was it not?
Answer. Yes, sir.
Question. Is not that a time of holiday in that country?
Answer. Well, I don't know whether it is or not.
Question. You have a single daughter?
Answer. Yes, sir.
Question. You have a single sister?
Answer. Yes, sir.
Question. And you say one of Jesse Wells's daughters was there that night?
Answer. Yes, sir.
Question. You say you heard a great deal of barking of the dogs around the settlement that night?
Answer. Yes, sir.
Question. How old is your single daughter, sir?
Answer. I think she is going on fifteen.
Question. How old is your sister?
Answer. Well, I don't know exactly; somewhere between twenty-five and thirty.
Question. What is the name of your daughter, sir?
Answer. Mary Ann Fortune.

TESTIMONY OF WILLIAM TOMS.

Interrogatories by counsel for defense, (STRONG:)

Question. Mr. Toms, do you know Leander Toms, commonly called Scott Toms?
Answer. He is my son.
Question. Do you know Taylor Carson, the defendant here?
Answer. Yes, sir.
Question. Do you know Olin Carson?
Answer. Yes, sir.
Question. Do you know Aaron V. Biggerstaff?
Answer. Yes, sir.
Question. Did you ever hear about that first raid on him?
Answer. Yes, sir.
Question. Do you know when that was?
Answer. I think it was the 8th of April.
Question. Where were you that night, sir?
Answer. I was at home.
Question. Do you know where Leander or Scott Toms was that night?
Answer. Well, he left home about sundown, and I laid down tolerably early that night, and my wife was sick; and he hollered at the door, "Some of you open the door;" and I got up, and the clock struck eight; and he asked me for the key of the stable to feed Taylor Carson's horse. He was gone, I suppose, fifteen minutes or something like that.
Question. You say that your son knocked you up about that time, and the clock struck eight?
Answer. Yes, sir.
Question. He went to feed Taylor Carson's horse?
Answer. Yes, sir.
COUNSEL. Go on.
WITNESS. Well, he came into the room——
Question. Did you see him when he came into the room?
Answer. Yes, sir.
Question. Did you hear him talk to his mother?
Answer. Yes, sir.
Question. Did you know anything about Taylor Carson and Olin Carson being there?
Answer. No, sir; not that night. I heard my son walking across the floor and several feet came with him; they didn't come in when my son came in.
Question. Which way did they come?
Answer. They went toward the bed where my son slept.
Question. State whether or not you heard them go to bed?
Answer. Well, sir, they went into the room.
Question. What floor did they sleep on, the first or second floor?
Answer. The first floor.
Question. How far from where you were, sir?
Answer. About fifteen or twenty feet.
Question. When did you see your son start again?
Answer. I saw him early in the morning.
Question. Who else did you see there?
Answer. Taylor Carson and Olin Carson.
Question. Did you see where they had been sleeping?
Answer. No, sir; I didn't go in the room.
Question. What time did you see them the next morning?
Answer. I don't know, sir; it was early in the morning.
Question. Did you see Taylor and Olin there early next morning?
Answer. Yes; I heard feet walking across the floor and I saw them the next morning.
Question. Did you say that you were sick that night, sir?
Answer. No, sir; it was my wife.
Question. Now, state to the jury whether your son could have left there without your knowing it?
Answer. Well, he might have left there, for I was paying attention to my wife. She was so sick. I was up at 1 o'clock, also, but I heard no fuss.
Question. Your wife died a few days after that?
Answer. No, sir; it was some time after that—some time in June.
Question. With that same sickness?
Answer. Yes, sir; I think so.
Question. You don't think that they could leave there without your knowing it?
Answer. They might have, but I don't think that they could.
Question. What time did you go to sleep?
Answer. I took notice of the clock and it was 8 when he came and knocked at the door, and when I went to sleep again it was about 9 o'clock.

Question. What time did you wake again?
Answer. I didn't wake any more not until 1 o'clock, that I remember.

Cross-examination.

Interrogatories by counsel for United States, (PHILLIPS:)

Question. How near to Biggerstaff do you live?
Answer. Well, it is about three miles.
Question. You didn't hear any the noise that night?
Answer. No, sir.
Question. You didn't see any disguised men that night?
Answer. No, sir; I never saw one.
Question. How far from you did Taylor Carson live?
Answer. Well, it is about three miles or three miles and a half.
Question. Which way from you is it to Aaron Biggerstaff?
Answer. Near an east course.
Question. Which way does Mr. Biggerstaff live from you?
Answer. It is a southeast course—most south.
Question. How far do you live from Aaron Biggerstaff?
Answer. Well, I don't know exactly the distance; it must be something over three miles.
Question. Well, Mr. Olin Carson, where does he live?
Answer. He lives within about a mile and a quarter of my house.
Question. Which direction?
Answer. A southeast course.
Question. Were these the only two young men that were at your house that night?
Answer. All that I know of, sir.
Question. You say they might have gone out without your knowing it?
Answer. Yes, sir.

Redirect examination:

Question. Is this young boy any relation to you, sir?
Answer. Yes, sir; they are my sons.

TESTIMONY OF S. H. GOULD.

Interrogatories by counsel for defense, (STRONG:)

Question. Do you know of Mr. Daniel Gould?
Answer. Yes, sir.
Question. What kin is he to you?
Answer. He is my uncle, sir.
Question. Ben Gould is your cousin?
Answer. Yes, sir.
Question. Do you know Mr. Aaron Biggerstaff?
Answer. Yes, sir.
Question. Do you know the night when the first raid took place on him?
Answer. Well, I suppose I do.
Question. What time was it?
Answer. Saturday, the 8th of April, this year.
Question. Where were you that night?
Answer. I was at my Uncle Daniel Gould's.
Question. What time did you get home?
Answer. About two or three hours by sun.
Question. What time did you go to bed, sir?
Answer. The precise time I don't know. To the best of my knowledge it must have been somewhere about 10 o'clock.
Question. Who went to bed first, you or your Uncle Daniel?
Answer. Well, I believe, I went to bed first. I don't think there was much difference; but, I think, I went to my room before he did.
Question. And Ben Gould?
Answer. I left him up when I went to bed, at 10 o'clock.
Question. After you went to bed, did you see anything of any of the defendants?
Answer. Yes, sir; there was a window in the room, and I went to open it to get a little ventilation, and it fell off its hinges, and Benjamin came out of the house and wanted to know what we wanted.
Question. How far does your Uncle Daniel live from Mr. Biggerstaff?
Answer. Ten miles, they call it.
Question. You didn't sleep with every one of them that night?
Answer. No, sir.
Question. What time did you get up in the morning?

Answer. Well, the sun was up, sir.
Question. Were they both there then, sir?
Answer. Yes, sir.
Question. What time did you leave?
Answer. In the afternoon.
Question. Where were they in the meanwhile?
Answer. I think Daniel went to church and Benjamin staid at home.
Question. When was it you first heard of this raid on Mr. Biggerstaff?
Answer. Some few days afterward, in the next week.
Question. Are you any relation to Mr. Aaron V. Biggerstaff?
Answer. He is my uncle, sir, by marriage.
Question. As we are going into politics, sir, what are your politics?
Answer. Well, sir, I don't stand on anything much; but I am more of a republican.
Question. Ben Gould, is he any kin to Biggerstaff?
Answer. Yes, sir.
Question. What kin?
Answer. The same as I am.
Question. A nephew?
Answer. Yes, sir.
Question. How was Mr. Daniel Gould related to Mrs. Biggerstaff?
Answer. Brother and sister, sir.
Question. You are a nephew of Biggerstaff by marriage, and a nephew, by blood, of Mrs. Biggerstaff?
Answer. Yes, sir.

Cross-examination:

Interrogatories by counsel for United States, (PHILLIPS:)

Question. What time did you say you went to bed, Mr. Gould?
Answer. About 10 o'clock, to the best of my knowledge.
Question. What did you judge by?
Answer. Well, it was later than I usually go to bed. I couldn't tell you exactly.

TESTIMONY OF MRS. L. A. GOULD.

Interrogatories by counsel for defense, (STRONG:)

Question. Mrs. Gould, where do you live?
Answer. In Cleveland County.
Question. How far do you live from Aaron Biggerstaff?
Answer. Well, I don't know exactly.
Question. Where did you formerly reside; in Rutherford?
Answer. No, sir; in Yancey County.
Question. Please tell the court what your maiden name was?
Answer. Moore.
Question. What was your father's name.
Answer. William Moore.
Question. From what county?
Answer. From Yancey County?
Question. Has your father ever been in political life?
Answer. Yes, sir; he was in the legislature two years ago.
Question. He was senator, was he not?
Answer. Yes, sir.
Question. You are the wife of L. A. Gould, are you not?
Answer. Yes, sir.
Question. Do you remember about the time that this raid was said to have taken place upon Mr. Aaron Biggerstaff?
Answer. Yes, sir; the 8th or 9th of April.
Question. Do you remember where you were at that time?
Answer. Yes, sir; I was at Daniel Gould's that evening.
Question. What time did you get there?
Answer. Some time in the evening or some time in the afternoon; I don't know exactly what time of day.
Question. Just before night?
Answer. Yes, sir; just before sundown.
Question. Who was with you when you arrived at Daniel Gould's?
Answer. My husband.
Question. Where did you remain that night?
Answer. I was in the room near the piazza.
Question. You staid, then, at Daniel Gould's house that night?
Answer. Yes, sir.

Question. What time did you retire?
Answer. Some time between 9 and 10 o'clock; I don't know the exact time.
Question. Did you retire before your husband or afterward?
Answer. A little before.
Question. Who was there that night at Mr. Daniel Gould's house?
Answer. No person, only the family.
Question. Just state who was there.
Answer. Daniel Gould and Benjamin Gould——
Question. Was Daniel Gould a married man?
Answer. Yes, sir.
Question. His wife there?
Answer. Yes, sir.
Question. Any person else?
Answer. Yes, sir; his two brothers.
Question. Were you awake at the time your husband came into the room?
Answer. Yes, sir.
Question. How long after your husband came in before you got to sleep, do you think.
Answer. I don't know exactly how long it was.
Question. Did you see or hear Ben Gould any time that night after your husband came to your room?
Answer. Yes, sir; he came to the door and asked something about the window.
Question. What did he say?
Answer. He said the window had fallen, and asked if we wanted it put up.
Question. Well, did you hear any noise that night as if a man left the house after 10 o'clock?
Answer. No, sir.
Question. Did you go to sleep immediately?
Answer. Yes, sir.
Question. You were not disturbed by men moving about in the house that night?
Answer. No, sir.
Question. What time did you get up the next morning, Mrs. Gould?
Answer. I don't know exactly what time I rose; it was before sun-up, I think.
Question. Did you see Benjamin Gould?
Answer. Yes, sir; he was there at breakfast, and I think he was there when I got out of my room.
Question. Did you see Daniel Gould?
Answer. Yes, sir.
Question. The same members of the family there that were there the night before?
Answer. Yes, sir.
Question. Do you know how far it is from there to Biggerstaff's?
Answer. No, sir; I wasn't acquainted with that section.
Question. Your father is still a republican, Mrs. Gould?
Answer. Yes, sir.
Question. A very prominent republican in that part of the State, so regarded?
Answer. Yes, sir.
Question. And a very firm and decided republican, is he not?
Answer. Yes, sir.

Cross-examination:

Interrogatories by counsel for United States, (PHILLIPS:)

Question. Mrs. Gould, how far from there did you live?
Answer. From Mr. Daniel Gould's, nine or ten miles, I suppose; I don't know exactly the distance.
Question. Did you go over there the day before or on a Saturday?
Answer. Yes, sir; I went on Saturday.
Question. When did you leave there?
Answer. Sunday afternoon.
Question. Had you no time-piece in the house?
Answer. Yes, sir; but it was not running.
Question. You are a judge of the time you went to bed?
Answer. Yes, sir; I have no other way of telling, except by my judgment.

Redirect examination, (by STRONG:)

Question. You didn't go to bed until after supper?
Answer. Yes, sir.
Question. Did you go to bed immediately after supper?
Answer. No, sir; I sat up some time after supper, a little later than I usually sit up.
Question. What time do you usually retire?

Answer. I commonly retire very early.

Question. How long after sundown do you usually retire; can you tell how long by the clock, you think?

Answer. No, sir.

TESTIMONY OF JULIUS FORTUNE.

Interrogatories by counsel for defense, (STRONG:)

Question. Mr. Fortune, do you know Jason Wethrow?

Answer. Yes, sir.

Question. Do you know Mr. Biggerstaff?

Answer. Yes, sir.

Question. Do you know when that first raid was made upon him?

Answer. Yes, sir.

Question. You know the night?

Answer. Yes, sir.

Question. When was that, sir?

Answer. It was made on Saturday night. I forget the day of what month it was.

Question. How long before you heard of it afterward; the first time, I mean?

Answer. About 12 o'clock the Sunday after it was done.

Question. Did you hear what Sunday it was; was it Easter Sunday?

Answer. Yes, sir; I think it was.

Question. Where were you that night, sir?

Answer. I was up at Wethrow's. I had his mule borrowed that evening to go for some —— I had bought, and it was good dark that I got there and put his mule up, and I went to the house and he had supper about ready, and he asked me to come in and have supper with him; and me and him, and a fellow by the name of Smart that was working for him, and one of his cousins named Calton, was with him. I sat down to talk with them a few minutes and then left for home.

Question. What time did you leave there, Mr. Fortune?

Answer. About two hours in the night.

Question. How far was that from where Mr. Biggerstaff lived?

Answer. Three or four miles across the mountain.

Question. What sort of a road was it across the mountain?

Answer. It was a very rough road across the mountain.

Question. Suppose you went around, how would it be?

Answer. It would be some five or six miles.

Question. Comparing that road with this road down here, how would it be?

Answer. It would be a very rough road.

Cross-examination.

Interrogatories by United States counsel, (PHILLIPS:)

Question. You say you borrowed Mr. Wethrow's mule and carried it home?

Answer. Yes, sir; I had borrowed it that evening.

Redirect examination, (STRONG:)

Question. Is Mr. Wethrow a married man or not?

Answer. Yes, sir; he is.

Question. What was the condition of his wife that night?

Answer. I didn't know as she was sick; that is, he said afterward that she was sick. I didn't know anything about it then.

Question. Wasn't she delivered of a child the next day?

Answer. Sunday morning, or Monday morning, I think it was.

Question. Very shortly afterward, was it not?

Answer. Yes, sir.

TESTIMONY OF GEORGE HAMBRICK.

Interrogatories by counsel for defense, (STRONG:)

Question. Where do you live, Mr. Hambrick?

Answer. I live in Rutherford County, eleven miles this side of the town, right on the road that goes to Cleveland. I have been called, but as I am not very well, I don't know that I can hold out long.

Question. Well, state whether you are or ever have been a member of the Invisible Empire, as it is called.

Answer. I suppose I have been.

Question. When did you join it, sir?

Answer. Well, I am not able to tell you exactly the time that I joined. I reckon it was last winter some time. I think now, as well as I recollect, it was. It might have been in the fall.

Question. Who initiated you?
Answer. Well, Thomas F. Green, that lives in Cleveland County.
Question. Do you rembember what took place at the time—what instructions you got, or what oath you took?
Answer. I could not repeat it all.
Question. Well, repeat what you can.
Answer. Well, the first thing, as well as I recollect, was that I would support the Constitution and the laws of the United States.
Question. Well, was there not something said about the old Constitution of the United States, slavery excepted?
WITNESS. The old Constitution of the United States, slavery excepted?
COUNSEL FOR DEFENDANTS. Yes, sir. Was the oath anything like this?
Counsel then read, in clauses, the following oath given by J. W. Thompson:
"I, George Hambrick, do, of my own free will and accord, I solemnly swear before Almighty God that I will support the Constitution as it was decreed to us by our forefathers."
Answer. I think there was.
Question. You say that it had slavery excepted?
Answer. Yes, sir; it had slavery excepted.
Question. [Reads:] "I furthermore swear that I am on the side of justice and humanity."
Answer. I think there was something of that kind.
Question. [Reads:] "That I denounce the radical party."
Answer. Yes, sir; there I stopped and said, says I, "Will this deprive me of voting for who I please? I want to vote for the man, and not for the party;" and he said no.
Question. [Reads:] "That I go for intelligent white men to rule and govern this country."
Answer. I think there was something like that, too.
Question. [Reads:] "I furthermore swear to give aid to a brother in distressed circumstances." Anything like that or not?
Answer. Well, I am not certain about that. It might have been; I don't remember now. I can't recollect everything. I am not certain about that.
Question. [Reads:] "I furthermore swear that I will obey all rules and regulations obtaining [pertaining] to this order." Anything like that?
Answer. I don't know now. I don't remember.
Question. Well, sir, was or was there not anything in the oath that compelled you to obey an unlawful order?
Answer. I think there was not, sir.
Question. [Reads:] "I furthermore swear that females, friends, widows and their children, and orphans, shall ever be the object of my especial love and protection."
Answer. It seems like there was something about that; but I don't know how that was, in expecting to be called on.
Question. [Reads:] "I furthermore swear that, should I divulge or cause to be divulged any signs, secrets, grips, or pass-words obtaining to this order, I shall suffer the penalty of a traitor's doom, which is death, death, death, at the hands of the brethren." Anything like that?
Answer. I don't think it was exactly like that.
Question. Was or was there not any pledge of secrecy?
Answer. I think there was, sir.
Question. Well, now, sir, what are your politics, Mr. Hambrick?
Answer. Well, I have always voted the radical ticket since the surrender, till this last election. At the last election I voted for the convention.
Question. For State officers?
Answer. Yes, sir.
Question. For national?
Answer. Well, I did them the same way.
Question. State to his honor and the jury whether or not there was any understanding that you should interfere with any man's right to vote?
Answer. No, sir.
Question. On account of his politics?
Answer. We talked some about that, but that wasn't the understanding.
Question. You say you stopped when they came to that part of the oath and asked if it deprived you of voting for the man you pleased?
Answer. Yes, sir; I told them I would not go in if it was.

Cross-examined, for the United States, by Mr. PHILLIPS:

Question. How old are you, sir?
Answer. I was sixty-three years old the 15th day of last August.
Question. You say that you swore to love all females?

Answer. Yes, sir; there was something about the widows, but I don't remember now.

Question. Was there anything about specially loving females in it?

Answer. If there was I don't recollect it.

Question. Was there anything about "the immaculate God" in the oath? Did you hear anything of that?

Answer. I don't recollect the word immaculate.

Question. Did you belong to the Den that Shotwell wouldn't receive?

Answer. I suppose I did. They said we wasn't organized in the right way. I don't know anything about that.

Question. This is the same Den that Elias Hambrick, your son, belongs to?

Answer. Yes, sir.

Question. Is John Green your son-in-law?

Answer. Yes, sir.

Question. How many were in it?

Answer, I am not able to tell you that, sir.

Question. How many did you see at the meeting you were at?

Answer. I don't know how many. Well, I could not tell by guessing.

Question. Could you not come within ten of the number?

Answer. Well, I don't think I could.

Question. Fifty?

Answer. There may have been thirty or fifty.

Question. Did I understand you to say that you weren't at a meeting but once?

Answer. Yes, sir.

Question. Did you never hear the oath but once?

Answer. That's all. It was administered to me.

Question. Do you tell the jury that there was nothing in it about obeying your superior officers?

Answer. No, sir; I don't. There may have been.

Question. Was there anything about opposing the radical party?

Answer. I don't remember; there may have been.

Question. Were you still to be a republican as you always had been?

Answer. I thought so. I understood that some people had been about whipping innocent folks, and I didn't like that. Green said if I understood it I would be in favor of it.

Question. Was he chief?

Answer. I don't know, sir, whether he was or not.

Question. Was he a republican?

Answer. I don't know, sir; I sort of think he was a democrat.

Question. You said something about voting for a man?

Answer. I says then, says I, I vote for the man and not for the party. Sometimes I go one way and sometimes another, for I think the man is most to be depended upon.

Question. Was that at your house?

Answer. Yes, sir.

Question. All this understanding that you had about this was in the road there when you were sworn, was it?

Answer. No, no; that was took down on my land, opposite the fence, there in the field.

Question. It was that time you had the talk about voting for who you pleased? Well, how was the oath administered to you?

Answer. Well, I don't know, sir; It was sort of like that though. I have been sick, and I don't have my mind right anyhow.

Question. Are you hard of hearing?

Answer. Yes, sir.

Question. How long have you been hard of hearing?

Answer. Ever since that good big fight before Richmond.

Question. Did Green call out the oath to you pretty loud

Answer. Yes, sir.

Question. Was it at night?

Answer. No, sir; it was in day-time.

Question. Where was it that you went into the meeting of the Den?

Answer. No, sir; it was in the house.

Question. Whereabouts was it that the Den met?

Answer. It was at a little house about half a mile from me.

Question. In a house?

Answer. At a house.

Question. What time of night?

Answer. Well, it was about little after dark.

Question. How long were you there?

Answer. Well, I am not able to tell you.

Question. What business did you do?

Answer. Well, they first said they wanted to organize. They commenced pinting their officers, or rather electing of them. They elected I don't know how many officers. I paid very little attention. After they got that arranged they said they would appoint some committee to——

Question. What was the committee for?

Answer. Well, it was said, to say what must be done if anything took place; that's all I know.

Question. Did you ask what the committee was for?

Answer. I don't know that I did.

Question. Did anybody?

Answer. Don't recollect that they did that night at all.

Question. That seemed to be a regular part of the meeting?

Answer. I don't know much about it.

Question. How many were on the committee?

Answer. It seems to me that there was about five.

Question. Did you do any business that night otherwise than that?

Answer. There was a call from the committee to go on somebody, I don't recollect. Now, it was said that some negro had been out stealing corn and changing it for whisky, or something, and they inquired what ought to be done. The committee said the best would be to let the law take its course. Some man, off a distance, said, says he, if this squad, or some such a word as that, don't whip that negro there will be a crowd fetched up from below that will do it.

Question. From the Invisible Empire?

Answer. I don't know. That seemed to be the way.

Question. Did he say this squad or this Den?

Answer. I don't recollect now, but it seemed like this squad.

Question. Well?

Answer. Some of them said that they didn't want the negro abused. He was working for a white woman, and they didn't want him disabled from work. They then said, maybe it would be best if some of them was to give him a light whipping; not put it on hard, but put it on with a small switch; that would scare him perhaps, and not injure him from his work. That was all that I knew that took place.

Question. Were you ever out on a raid?

Answer. The next morning in studying about it, some of them said that this whipping better not be done. I stopped some of them myself.

Question. Did they go?

Answer. They thought I sent word to don't go.

Question. You don't know whether he was whipped or not?

Answer. It was said that he was, but I don't know anything about it.

Question. He was ordered to be whipped by the Den while you were in it?

Answer. Well, some time that night.

Question. That was the beginning of the business?

Answer. That was all that was done in my presence.

Question. What was it they were going to do with him? Had anybody proposed to abuse him?

Answer. This man said that he would fetch a crowd that would whip him if it was not done by this crowd.

Question. Did he say where from?

Answer. I think he said the lower crowd, or from somewhere below; I don't know which he said.

Question. Did you know what crowd he was alluding to?

Answer. No, sir; I didn't.

Question. Was there a crowd below there?

Answer. I don't know that there was. I could hear of mischief being done, but I didn't know anything about it.

Question. What do you mean by mischief?

Answer. Well, being some negroes whipped. Such as that.

Question. How long did you stay in the Empire, Mr. Hambrick?

Answer. Well, I don't know how long to tell you. I never was with them more than that one time.

Question. You don't know when you quit?

Answer. Well, I quit then. I never had anything more to do with them after that time.

Question. Didn't you think it was a good thing?

Answer. Well, I don't think it was a good thing to go about doing mischief.

Question. What was it that kept you from going on with them.

Answer. I never had any idea of going on with them.

Question. Well, how long was it before Mr. Shotwell sent orders that you should not be counted a Den?

Answer. It was a short time after that.
Question. What was it that he objected to?
Answer. I don't know, sir. I didn't see Mr. Shotwell or didn't know him myself.
Question. You voted in your county this year, didn't you?
Answer. Yes, sir.
Question. Did you vote for the convention?
Answer. Yes, sir; I voted for Robert Giltey.

Re-direct by counsel for defendants, (STRONG:)

Question. You say that this Den was not received by Mr. Shotwell?
Answer. It was said it was not.
Question. Didn't you know that it was recognized by the other Dens—that it was a Den in good standing?
Answer. No, sir; I don't know that even.
Question. But you say that this negro man that they agreed to raid upon—the reason was that he stole corn and changed it for whisky?
Answer. Yes, sir.
Mr. PHILLIPS. Were you on the committee that ordered that boy to be whipped?
Answer. No, sir. I don't know that he was whipped.
Mr. STRONG. Why did you say that he was whipped?
Answer. Well, somebody came up and said that he was stealing corn, and took it to Mr. Spurling and he gave him whisky for it. This negro said it was for Perry Humphries, and Perry Humphries said that he never sent him; and I suppose that it was Perry Humphries that said that in that crowd.
Question. Was he ordered to be whipped anywhere about politics?
Answer. No, sir; not that I knew anything about or heard anything about.

TESTIMONY OF A. J. LOGAN.

Interrogatories by counsel for defense, (Mr. STRONG:)

Question. Where do you reside?
Answer. Rutherford County
Question. Are you a member of the Invisible Empire?
Answer. No, sir.
Question. What are your politics, sir?
Answer. Conservative.
Question. Never have been a member of the Invisible Empire at all?
Answer. No, sir; a member of no secret organization at all.
Question. Do you know James Sweazey?
Answer. Yes, sir.
Question. Are you acquainted with his reputation or his general character?
Answer. Yes, sir.
Question. What is his character as a peaceable man and a good citizen?
Answer. He is a very peaceable man and a very good citizen; but lately he has been drinking. He was a very good citizen until he commenced drinking.
Question. Jason Wethrow—acquainted with him?
Answer. Yes, sir; I know him, but I don't know him very well.
Question. Are you acquainted with his reputation in his neighborhood?
Answer. He lives too far from me to know his character well. I know the man very well when I see him.
Question. John Calton—do you know his reputation in his neighborhood?
Answer. Very well, sir.
Question. What is that reputation?
Answer. Very good. He is a very peaceable, honest man; a man of good character.
Question. Do you know the reputation in his neighborhood of William C. Depriest?
Answer. Yes, sir.
Question. What is that reputation, sir?
Answer. His character is good.
Question. Are you acquainted with the reputation in his neighborhood of Adolphus Depriest?
Answer. He is a boy. I know him, but I don't know enough about his character to say whether it is good or bad. I don't think the young man has formed any character. I know nothing agin the boy.
Question. Are you acquainted with the reputation in his neighborhood of Joseph Depriest?
Answer. It is like the other one, only a still younger boy, of the same family. I know nothing agin the boy.
Question. Are you acquainted with the general reputation in his neighborhood of Taylor Carson?
Answer. Yes, sir.

Question. What is that, sir?
Answer. I think it is good.
Question. Do you know the general reputation in his neighborhood of Olin Carson?
Answer. Yes, sir.
Question. What is that, sir?
Answer. It is good. I would like to qualify it a little—that is, up to this charge of Ku-Kluxing; I would like to qualify it in that way.
Mr. PHILLIPS. Do you mean to qualify them all that way?
Answer. All these Ku-Klux, I do.
Mr. STRONG. I understand you to say that with regard to these men this is the only thing you have heard against them; with this exception that their character is good?
Answer. Yes, sir.
Question. Which do you mean to apply that to now, sir?
Answer. All those who are charged with Ku-Kluxing; I think that has affected their character. It has come out on them, and I think it has affected their character.
Question. Do you know the general reputation of Benjamin Fortune?
Answer. No, sir; he is a young man that I have known but a short time.
Question. Thomas Fortune?
Answer. I don't know him neither.
Question. Leander Toms?
Answer. I know his. He has a good name.
Question. Daniel Fortune?
Answer. I don't know him.
Question. Samuel Biggerstaff?
Answer. I know his character. It is good.
Question. Alfred Biggerstaff?
Answer. He is a young man. I don't know his character well enough to give it. I know nothing agin him.
Question. Barton Biggerstaff?
Answer. The same as the other; they are brothers.
Question. Benjamin Gould?
Answer. He is a Cleveland man. I don't know his character.
Question. Joseph Wilson?
Answer. I merely know the young man. He lives a considerable distance from me. I don't know anything about his character.
Question. Alfred Early?
Answer. As far as I know, his character is good. He is a young man. I know nothing agin his character.
Question. Lloyd Early?
Answer. Well, he is about the same. He is a young man. I know nothing against him.
Question. James McDaniel?
Answer. I don't know him.
Question. Joseph McDaniel?
Answer. I don't know him.
Question. Achilles Durham?
Answer. Durham's character is good.
Question. Lawson Teal?
Answer. I don't know anything about him to know his character.
Question. Do you know when this first raid was made on Mr. Biggerstaff?
Answer. I only know it from report.
Question. When did you hear that it occurred?
Answer. On the night of the 8th of April.
Question. Did you see him at any time shortly after that; and, if so, how long?
Answer. No, sir; I was at his house, but didn't see him.
Question. Did you know where he was?
Answer. I didn't know, of my own knowledge.
Question. He wasn't at home, at any rate?
Answer. No, sir.
Question. What did his family say?
Answer. He was out in the field. I was just passing Mr. Biggerstaff's, and merely called in to see him, and I was informed by his family that he was out in the field.

Cross-examined by counsel for United States, (Mr. PHILLIPS:)

Question. Do you know the general character of Amos Owens?
Answer. Yes, sir.
Question. How is that, sir?
Answer. He is rather a rowdy man.
(Objected to and sustained.)

Question. I understood you to say that these gentlemen were damaged in character for Ku-Kluxing?

Answer. I think it has affected their character some in the neighborhood.

Question. All these persons, sir?

Answer. I don't think that all these young men are affected much by it.

Question. They are reported to be Ku-Klux, but it doesn't affect them?

Answer. Well, it was generally thought that these young men wasn't Ku-Klux, until recently. It is not known at home. Not that I know of.

Question. Is young man Toms one of these, sir?

Answer. Yes, sir.

Question. Lawson Teal?

Answer. I think there is some suspicion resting agin him at home, of being one of them.

Question. Achilles Durham?

Answer. I never heard it until he was arrested and brought down here. I never heard it before that.

Question. Do you mean to say that the fact of his being a Ku-Klux has not damaged him?

Answer. I don't know what public opinion would be upon that question. I am uncertain of this question, as far as I have spoken of, among the people where I live.

Question. How does this last remark qualify what you have said awhile ago?

(Objected to and sustained.)

Question. Do you say anything now in view of what his honor says?

Answer. That is, some of them had been damaged with the charge of Ku-Kluxing.

Question. Was James Sweazy one of these?

Answer. He was suspicioned.

Question. At that time?

Answer. Yes, sir.

Question. Jason Wethrow?

Answer. I don't know that I ever heard.

Question. John Calton?

Answer. I don't think John Calton has ever been suspicioned up to the present time.

Question. William Depriest?

Answer. It is a very hard question to answer. I have heard some on both sides of that question. Some suspicion him and some don't.

Question. Had you heard anything about it before the 8th of April?

Answer. Yes, sir; I had heard something about it before that. It was more suspicion than anything else.

Question. Leander Toms?

Answer. I never heard any suspicion agin him.

Question. Adolphus Depriest?

Answer. I don't know that I ever heard any agin him. He is a boy.

Question. And say about Joseph?

Answer. Just about the same as about the other.

Question. Taylor Carson?

Answer. I don't know that there was any suspicion resting on him at all.

Question. Olin Carson?

Answer. I don't know that there was any suspicion resting on him.

Question. Daniel Fortune?

Answer. I don't know anything about the Fortunes.

Question. Samuel Biggerstaff?

Answer. I don't think Samuel Biggerstaff was.

Question. Alfred Biggerstaff?

Answer. Well, he is a young man that I know but little about.

Question. Barton Biggerstaff?

Answer. He, too, is just like the other.

Question. Ben. Gould, or Daniel Gould, or Joseph Wilson, Alfred Early, Lloyd Early?

Answer. I never heard any suspicion agin the two young Earlys, that I know.

Question. James and Joseph McDaniel you don't know?

Answer. No, sir.

Question. Lawson Teal?

Answer. I don't know the man's character.

Question. Then, there are only three of them that you ever heard suspected—that is James Sweazy, Jason Wethrow, and William Depriest?

Answer. Yes, sir; there has been some suspicion against them.

Redirect by counsel for defense, (STRONG:)

Question. You say that the only thing that you heard against them was that there was some suspicions against them prior to the 8th of April, and that was the only thing you know against them?

Answer. Yes, sir.
Question. As to Depriest?
Answer. I think public opinion was divided.
Question. Mr. Logan, do you know these defendants?
Answer. Yes, sir.
Question. Taking Mr. Allen's as near Aaron Biggerstaff's as the other, which side do they live on?
Answer. Mr. Biggerstaff lives on the main road leading from Rutherford to Lincolnton. Allen lives, also, on the road that leads to Lincolnton. That road runs nearly an east course.
Question. Well, Mr. Biggerstaff lived west, you stated, didn't you; which way did he live from Mr. Allen?
Answer. He lived near a due west course.
Question. Which way does Mr. James Sweazy live from Mr. Biggerstaff?
Answer. Mr. James Sweazy lives due northwest.
Question. Which way does Jason Wethrow live?
Answer. Due northeast.
Question. John Calton?
Answer. He lives a little west of north.
Question. William Depriest?
Answer. William Depriest lives a little west of north.
Question. Adolphus Depriest?
Answer. He lives with his father and Joseph Depriest.
Question. Well, Taylor Carson?
Answer. Taylor Carson would be about southwest.
Question. Olin Carson?
Answer. Pretty much the same course.
Question. These Fortune boys?
Answer. They live very near north.
Question. The Toms?
Answer. They would be a little west of north—not much.
Question. The Biggerstaffs?
Answer. Not far from the north course, near as I could guess at it.
Question. Ben Gould?
Answer. I don't know. He lives in northern direction.
Question. Wilson?
Answer. He lives about southeast.
Question. Alfred and Lloyd Early?
Answer. They live not far from the north course, probably a little east of north.
Question. James and Joseph McDaniel?
Answer. Well, they are southeast.
Question. Do you know how far they live down that way?
Answer. I don't know the exact distance—some eight or ten miles.
Question. Mr. Achilles Durham?
Answer. Well Achilles Durham must live within some eight or ten miles of Biggerstaff's.
Question. What course?
Answer. A little east of south.
Question. How far off?
Answer. Eight or ten miles, as near as I could guess at it.
Question. Lawson Teal?
Answer. I don't know where Lawson Teal lives. He lives in a good many places. He is a young man that works about.
Question. Allen's is east of Aaron Biggerstaff's? Put yourself at Allen's, these men live on the other side of Biggerstaff's?
Answer. Yes, sir.

TESTIMONY OF MATTHEW CROWDER.

Interrogatories by counsel for defendants, (Mr. STRONG:)

Question. Mr. Crowder, what county do you live in, sir?
Answer. I live in Cleveland.
Question. How far from Mr. James Allen's?
Answer. Five miles.
Question. You know Mr. Aaron Biggerstaff?
Answer. Yes, sir.
Question. Do you remember hearing about the night he was first raided on?
Answer. Yes, sir; it was the 8th night of April.
Question. Well, sir, will you state whether you remember seeing any persons passing by your house that night?

Answer. Well, sir, about dark I was sitting at my door with feet against the fence, when I heard the report of guns some six or eight miles south of where I lived. In a few minutes I heard a great many more. In a few minutes more there passed some men on up north. Maybe about 8 o'clock a crowd came up. Down below where I lived there was a cross-roads; they staid there some time. I could not tell how many there were; they were three double by the horses' tracks next morning. There seemed to be some twenty-six on the side next to the piazza. They were just gone four hours and ten minutes by the clock.

Question. Twenty-six files passed you?

Answer. Yes, sir; besides those that went on before the crowd some time ahead.

Question. What time was that?

Answer. Ten o'clock.

Question. How did you know that?

Answer. Because I looked at the clock. The clock was just there.

Question. Did you see them any more that night?

Answer. Yes, sir; exactly at ten minutes after 2 o'clock they came back there. The moon was up as they went on, and it shined very light as they came back. They came in the yard as they came back and commenced talking to me. They were all disguised. One man came up and told me what they had done. They said they had been up to Mr. Biggerstaff's and given him two hundred lashes, and they were the men that done it and not his neighbors. They asked what time it was, and some said 2 o'clock, and they said they must ride hard or they wouldn't cross the water before daylight.

Question. Did you see any of them by the light?

Answer. Yes, sir; I got one man good into the door to see if I could know him, but I didn't know him. He had on a false-face.

Question. Some of them weren't disguised?

Answer. I could not tell, sir; as they came back there were so many of them that I could not tell. In the road I noticed that a good many were not disguised.

Question. Did you get near enough to see them?

Answer. Yes, sir; I was within five or six steps of them. The moon was shining very bright.

Question. Mr. Crowder, are you acquainted with the reputation of Amos Harrill in his neighborhood?

Answer. Yes, sir; I am well acquainted with it; it is good.

Question. Achilles Durham?

Answer. Well, it is good as far as I am acquainted with him.

Question. Are you a member of the Invisible Empire, sir?

Answer. No, sir; I have no connection with it at all. I didn'nt know anything about it at all till since I came here I got a pretty good idea of it.

Question. What are your politics, Mr. Crowder?

Answer. Sometimes I vote both ways.

Question. Were you ever a member of the Union League?

Answer. I joined it at first. There was a person—that is, he was a preacher—knocking about the country up there, and he said if we was two-thirds Union as we was in 1860 we could get back into the Union on them grounds. I thought if we could get back on them grounds I would do so. He said there was eight oaths to take. I took the oath to the United States at Point Lookout, under Major Brady, and I am going to stick to that, too, and all the laws of the United States.

Cross-examined by counsel for United States, (Mr. PHILLIPS:)

Question. You live just over in Cleveland?

Answer. Yes, sir.

Question. How far from Biggerstaff?

Answer. About eight miles.

Question. You say that Ben Gould lives right by you?

Answer. Yes, sir.

Question. These men passed your house at ten o'clock?

Answer. Yes, sir, that night.

Question. Will you tell that jury, now, the best of your impression, whether they were three deep or four deep.

Answer. Well, sir, I can't tell you. I just counted the file next to me. I just supposed that they were three files from the way that they throwed out.

Question. Did you know there weren't four?

Answer. No, sir; I didn't know that.

Question. Do you mean to say that there might only have been one?

Answer. I say, sir, that there was two anyhow.

Question. Were you looking through a window at them?

Answer. No, sir; I was out.

Question. Did they say anything to you as they passed?

Answer. No, sir.
Question. How many passed on before these twenty-six files?
Answer. There passed four or five in one little squad.
Question. And then these twenty-six files came on last at ten o'clock? Any more?
Answer. No, sir; nary another one up that night at all.
Question. And they alarmed you?
Answer. Yes, sir; they sort of frightened me a little. I didn't know what was up. There had been a great many darkies passing backwards and forwards. There was a camp-ground just above me four or five miles, and I thought these men were going up there to fight. That was the suspicion I had.
Question. They were gone just four hours and ten minutes?
Answer. Yes, sir.
Question. They told you they had given Biggerstaff just exactly two hundred, and they assured you that it was not his neighbors done it?
Answer. Yes, sir; that's what they told me.
Question. You hadn't asked them that—they just came out and told you?
Answer. Yes, sir.
Question. How long were they at your house when they returned?
Answer. They staid some five or eight minutes.
Question. You could not tell who they were?
Answer. No, sir; and no other man could tell who they were, for they were so well covered. Some had robes on and some clothes.
Question. Did two robes pass your house?
Answer. I could not hardly tell.
Question. You say they had to cross the water; what water was it?
Answer. Probably Brace Creek, or the river.
Question. What was the remark about crossing the creek? How far was it from the creek?
Answer. About a mile.
Question. How far from the river?
Answer. About eight miles to the Shelby River?
Question. How many passed back?
Answer. I didn't count them.
Question. Did as many pass back as went up?
Answer. I don't know. They were passing there till day. I laid rather close to the door, and I didn't sleep any. I think there was as many as seventy-five or eighty passed back.
Question. You were at a considerable scare?
Answer. Yes, sir; I didn't know but what they might rake me a little. I knew those crowds generally drank a good deal of liquor.
Question. Were you ever with one of those crowds?
Answer. No, sir; but when I smell sprees I can tell. That wasn't the last crowd I ever saw.
Question. How many did you see on the other?
Answer. They passed some two or three weeks after that, going down the country. Some two or three in one gang, four in another, and five in another. They were disguised, too.
Question. Did they have horns?
Answer. Yes, sir; they had horns that stuck out pretty wide at the top, with brass on them.
Question. How is Mr. Gould's character, did you say?
Answer. I say it is plum good.
Question. Achilles Durham?
Answer. I never heard anything till I came here.
Question. Did I understand you to say, or do you mean, that the negroes were drilling to meet the Ku-Klux?
Answer. Yes, sir.
Question. When they came back they came back scattering, and, according to your judgment, there may have been some seventy-five or eighty, and there might have been even ninety of them?
Answer. Yes, sir; I could not tell.

TESTIMONY OF JOHN A. M'FARLAND.

Interrogatories by counsel for defendants, (Mr. STRONG:)

Question. Are you acquainted with Matthew Crowder, sir?
Answer. Yes, sir.
Question. How long have you known him?
Answer. Ever since I was a boy, sir.
Question. Is his character good or bad?

Answer. It is good, sir.
Question. Is it not excellent?
Answer. Well, sir, it is as good as any man's in that country. I don't know anything against him.
Question. Please state to the court and jury what your political sentiments are.
Answer. Republican, sir.
Question. Do you hold any office, sir?
Answer. Yes, sir; deputy sheriff, ever since the war.
Question. What county, sir?
Answer. Rutherford County, sir.

TESTIMONY OF GEORGE ROLLINS.

Interrogatories by counsel for defense, (Mr. STRONG:)

Question. Where do you reside, sir?
Answer. In Rutherford County.
Question. Are you acquainted, sir, with the general reputation, in his neighborhood, of Benjamin Fortune?
Answer. I don't know that I am.
Question. Are you acquainted with the reputation, in his neighborhood, of Thomas Fortune?
Answer. I don't think I am, very well.
Question. Are you acquainted with the general reputation or character of Scott Toms?
Answer. Yes, sir.
Question. What is that, sir?
Answer. I think it is good, sir.
Question. With the general reputation of Taylor Carson?
Answer. I think it is good.
Question. Olin Carson?
Answer. I think it is good, sir.
Question. Benjamin Gould?
Answer. Good.
Question. Are you acquainted with the character and general reputation of James McDaniel?
Answer. I don't think I am, sir, of late years.
Question. Joseph McDaniel?
Answer. I don't think I know it.
Question. Do you know the general reputation, in his neighborhood, of James Sweazy?
Answer. I don't think I do, sir.
Question. Jason Wethrow?
Answer. I don't think I do, sir.
Question. John Calton?
Answer. Not very well, I think, sir.
Question. William Depriest?
Answer. Well, I think I know it, sir.
Question. What is that, sir?
Answer. I think it is good.
Question. Adolphus and Joseph Depriest—they are his sons; are you acquainted with them, sir?
Answer. Not very well, sir.
Question. Samuel Biggerstaff; do you know his reputation in his neighborhood?
Answer. I think it is good.
Question. Alfred and Barton Biggerstaff; they are young men, I believe?
Answer. I don't know that I could give that in correctly.
Question. Joseph Wilson; are you acquainted with his reputation in his neighborhood, sir?
Answer. I don't think I am, sir.
Question. Are acquainted with the character, in his neighborhood, of Alfred Early or Lloyd Early?
Answer. Not very well, sir.
Question. Achilles Durham; do you know his reputation in his neighborhood?
Answer. I haven't known it very much of late years, but I think it is good.
Question. Lawson Teel?
Answer. I don't think I know it very well.
Question. Are you a minister of the Gospel?
Answer. Yes, sir.
Question. What church, sir?
Answer. For the Baptist.

Question. You are now engaged at your regular occupations.
Answer. Yes, sir.

Cross-examined for the United States, by Mr. PHILLIPS:

Question. Mr. Rollins, did you ever hear, before the 8th of April, of any of these gentlemen whose names have been called off being Ku-Klux—James Sweazy?
Answer. I think there has been some suspicion, sir.
Question. Did you ever hear anything said about Mr. Sweazy as a member of the Ku-Klux before the 8th of April?
Answer. I think I have heard it spoken of, sir.
Question. Did it damage his character at all?
Answer. Well, I suppose it would, to some extent, but I could not say.
Question. Did you ever hear of Mr. Jason Wethrow spoken of as a Ku Klux?
Answer. Well, sir; I could not say. I don't remember.
Question. John Calton; did you ever hear him spoken of as a Ku-Klux?
Answer. I don't know that I did.
Question. William Depriest?
Answer. I think I have heard it spoken of.
Question. Leander Toms?
Answer. I don't think I could say, sir.
Question. Adolphus Depriest?
Answer. I don't know.
Question. Joseph Depriest?
Answer. I don't know, sir.
Question. Taylor Carson?
Answer. I don't think I did, sir.
Question. Olin Carson?
Answer. I think I have heard him spoken of as one.
Question. Ben Fortune; I ask the same question in regard to him, Mr. Rollins.
Answer. I could not be positive about it, sir.
Question. Thomas Fortune?
Answer. I don't think I could say at this time.
Question. Daniel Fortune?
Answer. Not that I know of, sir.
Question. Samuel Biggerstaff?
Answer. I could not say positively.
Question. What is your best impression?
Answer. I don't think I could be positive, sir. There were several spoken of.
Question. Alfred Biggerstaff?
Answer. I could not be positive about it.
Question. Barton?
Answer. I could not say.
Question. Ben Gould?
Answer. I don't think I did, sir.
Question. Daniel Gould, Joseph Wilson, Alfred Early, Lloyd Early, James or Joseph McDaniel, Achilles Durham, Lawson Teel?
Answer. Not that I know of. I don't remember.

Rebutting testimony.

TESTIMONY OF MICHAEL CROWDER.

Interrogatories by counsel for United States, (Mr. PHILLIPS:)
Question. Where do you live?
Answer. In Cleveland County.
Question. Were you on the Biggerstaff raid?
Answer. Yes, sir.
Question. Did you go to the house?
Answer. Yes, sir.
Question. What did you hear said to old man Biggerstaff there for anything?
Answer. When they were whipping him, they cursed him for being a radical.
Question. What else?
Answer. And for having Depriest killed.
Question. Did they or did they not say anything to him about voting?
Answer. They just cursed him for being a radical.
Question. Can you give their language, not their oaths, I don't care about them.
Answer. They just cursed him for being a leading radical.
Question. Did you hear anything said to his daughter?
Answer. No, sir; I didn't.
Question. What Den did you belong to?

Answer. Marion Horde's.
Question. What were the orders given to you about Biggerstaff in your Den?
Answer. Well, it was to go and whip him for having Depriest killed.
Question. What was Depriest to you?
Answer. Well, it was John Wiley's orders, and we had to obey them.
Question. Who was John Wiley?
Answer. Well, he was just a member of the order.
Question. Was he chief?
Answer. Yes, sir; for the lower part of the county, I think.
Question. How did John Wiley give the orders? How did you get them?
Answer. Well, he came up there and told it in our Den.
Question. Is that the way the Invisible Empire proceeds?
Answer. Yes, sir; he came up to the meeting and said he wanted a raid made on Biggerstaff, for killing Depriest.
Question. What would be the next step after his saying that?
Answer. Well, we had a meeting then. It was handed in that night. We didn't do anything the first night. At the other meeting it was carried.
Question. What carried?
Answer. Why, they agreed that they would go.
Question. Did Wiley come the second time?
Answer. Yes, sir; he did.
Question. When you say it was carried, what do you mean?
Answer. Well, we agreed on it; that we would go.
Question. Who would go?
Answer. Marion Horde would take his Den and go.
Question. Who agreed upon it?
Answer. The committee.
Question. How long have you been a member of the order?
Answer. Well, I entered the 1st of March and quit the 8th of April.
Question. Didn't you go on the raid?
Answer. Yes, sir; I went on the raid, though that was the last I done. After Mr. Biggerstaff was whipped, then I quit.
Question. How did you quit?
Answer. I just didn't go any more.
Question. Did you ever go on any more raids?
Answer. Yes, sir; I went on Mr. Whistnant.
Question. Was that the only one you ever went on besides the Biggerstaff?
Answer. No, sir; I went on a boy at Mr. Yariff's.
Question. What for?
Answer. The report was that he was running after some white women. We didn't find him.
Question. You didn't find him?
Answer. No, sir, we didn't.
Question. Mr. Crowder, did you try Biggerstaff in your Den?
Answer. Yes, sir; I think he was tried.
Question. Who tried him?
Answer. The committee.
Question. When the committee tries and decides, does the Den just go on the raid?
Answer. Whenever they passed sentence we had to go.
Question. Wasn't there any appeal to the Den; wouldn't the Den vote down the committee?
Answer. No, sir; never, that I knew of.
Question. Were you sworn when you joined?
Answer. There was a few words of the oath read to me; I never taken the full oath at all.
Question. Are you any kin to the other Mr. Crowder that was here just now?
Answer. Yes, sir; I am a cousin to him.
Question. Were you blindfolded?
Answer. No, sir; I wasn't.
Question. What have been your politics?
Answer. I have always voted the conservative ticket.
Question. And you understood that Wiley sent you all up there to whip the old man because of his being the occasion of Depriest being killed?
Answer. Yes, sir; that was what Wiley said.
Question. When the committee comes in now and reads its decree, does it say anything else.
Answer. No, sir; they just say that they are agreed, and the chief says that they must go, and set the time for the Den to go.
Question. What is the form the committee come in and reports; what does it say.
Answer. They just say that they agree that Mr. Biggerstaff must be whipped.

Question. Who was the man that brought that in?
Answer. Well, I don't know the men who was on the committee that night.
Question. Did they say that they had agreed to anything?
Answer. Yes, sir; they said that they had agreed to give him two hundred lashes; John Wiley laughed at it, but he said it would do if they allowed him to put it on.
Question. Where did you leave them?
Answer. I left them there at Matthew Crowder's, below the cross-roads.
Question. Where did you go then?
Answer. I went on to the Johnson place, to meet some more men.
Question. Did you meet any?
Answer. Yes, sir, two; Rufus Eskridge and Webb Eskridge.
Question. Was that all?
Answer. Yes, sir.
Question. Then where did you go?
Answer. I went on to Allen's.
Question. How many were there?
Answer. Ten or twelve.
Question. How many men were with you that passed north?
Answer. There was four of us; me and Mike Grigg, John Tisdale, and John Grigg. We went on ahead to the Johnson place and ten or twelve met us up there.
Question. Were you the first four that passed Crowder's?
Answer. Yes, sir; I reckon we were.
Question. Do you know who the rest were?
Answer. No, sir; I don't.
Question. When you collected at Allen's there were sixteen or eighteen of you altogether?
Answer. Yes, sir; about that, I reckon.
Question. Anybody come in then?
Answer. Yes, sir; the big crowd came in from below. The main crowd came up.
Question. How many were in the big crowd?
Answer. Well, sir, I can't tell you; there was a big crowd of men, though.
Question. And you went on and whipped the old man?
Answer. Yes, sir.
Question. Were you present at the whipping?
Answer. Yes, sir; I was off some five or six steps.
Question. Did you help whip him?
Answer. No, sir.
Question. Did you whip the woman?
Answer. No, sir.
Question. Did you see her whipped?
Answer. No, sir; I saw two men holding her at the gate.
Question. Was she saying anything?
Answer. Not as I heard; there was such a fuss.
Question. Was she the only woman you saw?
Answer. I saw the old woman in the house.
Question. What time did you go into the house?
Answer. I never went into the house until they had him out in the road and was whipping him.
Question. Where was it you heard them cursing?
Answer. I was in the lane.
Question. Were they whipping him then?
Answer. Yes, sir.
Question. Did they tell him what they were whipping him for?
Answer. Yes, sir; for having Depriest killed, and they cursed him for being a leading republican—a leading radical.
Question. How long were you there?
Answer. Something about three-quarters of an hour.
Question. What time did you get there—about?
Answer. Well, I can't tell you, but some time about the middle of the night, I reckon.
Question. Do you know any of these men that are indicted here—Owens or Sweazy? Do you know Owens?
Answer. No, sir; I didn't know him till I came down here.
Question. Didn't you see him that night?
Answer. I heard him called.
Question. James Sweazy?
Answer. No, sir.
Question. Did you hear any of the other young men called that night
Answer. No, sir.
Question. Don't you know John Calton?
Answer. Yes, sir; I was in the war with him.

Question. Didn't you know any of these other men?
Answer. No, I didn't know any of those men then.

Cross-examined by counsel for defendants, (STRONG:)

Question. I understand you to say that you went by Matthew Crowder's?
Answer. Yes, sir.
Question. Did you stop there any length of time?
Answer. I didn't.
Question. Did you stop at the Johnson place?
Answer. Yes, sir.
Question. Did you see anybody there?
Answer. No, sir.
Question. You went on to James Allen's, you say—about a dozen?
Answer. Yes, sir.
Question. Did you know any there?
Answer. No, sir; I knew none except the men I went with. The main crowd came up after that from Shelby. They came in an easterly direction. They came in from the direction of Wall's mill.
Question. Was that in the direction of Crowder's?
Answer. Yes, sir.
Question. How long were you there before this large crowd came up?
Answer. Well, sir, it was something like three-quarters of an hour.
Question. Did any person join you going from Allen's to old man Biggerstaff's?
Answer. If they did, I don't know it.
Question. Did anybody join you after you got there?
Answer. If they did, I don't know it.
Question. You didn't see him when they took him out of the house?
Answer. Yes, sir.
Question. They told him that they were whipping him for killing Depriest, and cursed him for being a leading radical?
Answer. They told him that they come to whip him for killing young Depriest.
Question. Did they tell him that they were whipping him for anything else?
Answer. If they did, I didn't hear.
Question. Where were the horses hitched, sir?
Answer. About 200 yards down in the road.
Question. Were any horses carried up near the gate?
Answer. If there was, I didn't know it.
Question. Were any carried up to Mr. Biggerstaff's house?
Answer. If there was, I didn't know it.
Question. When they got up there, what is the first thing they did?
Answer. They run to the house, I reckon, and they bursted the door open, and they fetched him out, and the first I seed of him he was out in the road.
Question. Was the moon shining that night?
Answer. Well, sir, I don't remember.
Question. Did you see any horses in the lane?
Answer. No, sir; I didn't.
Question. Mr. Crowder, in returning did you go by Mr. Amos Harrill's house?
Answer. Yes, sir.
Question. State what took place there, if you please, sir.
Answer. Well, we went on to his house, and stopped and went up to the house—the bigger part of them did, some staid in the road. The bigger part rode up to his palings and gate and called him. I heard them talking, but didn't hear what it was about. I took it to be him. I saw some man there talking with them, though I never seen Mr. Harrill before.
Question. Where did the voice come from, sir?
Answer. It seemed like he was in the house.
Question. Did you say you went on that Whistnant raid?
Answer. Yes, sir.
Question. Well, sir, did you go back to Matthew Crowder's?
Answer. No, sir; I went down the other way. I went down the main road.
Question. Were you disguised?
Answer. Yes, sir.
Question. What kind of disguise did you have on?
Answer. Just had on a false-face over my face and head.
Question. Were the others disguised?
Answer. Yes, sir.
Question. What sort of disguise?
Answer. They had on just pretty much the same.
Question. Was it possible for anybody to recognize them?
Answer. Well, I could not.

Question. Could you have recognized anybody there by his eyes?
Answer. No, sir. If I hadn't known just who they were I could not have sworn to anybody.
Question. What did you have on your head?
Answer. Just made out of cloth. A white cloth over my head.
Question. That might have looked mighty hideous in the night.
Answer. Yes, sir; I expect it looked pretty much that way.
Question. Were any others disguised like you?
Answer. Well, there was different disguises—all kinds.
Question. Did any more have this white cloth over their face?
Answer. Yes, sir; several.
Question. Did anybody have on a high-crowned bell hat there?
Answer. Not as I know of.
Question. Could you swear to any man in that crowd if you hadn't known?
Answer. No, sir; I could not. There were men that warn't disguised that I knew.
Question. Could you have sworn to these that had white cloths over their faces?
Answer. No, sir; I wouldn't have felt safe in swearing that way.
Question. Who was there that was not disguised?
Answer. Rufus Magnus was there.
Question. Anybody else?
Answer. Not as I remember of.
Question. How tall are you, sir?
Answer. Six feet and one inch.
Question. Any in the crowd any taller than you, sir?
Answer. There may have been and me not know.
Question. Did you see anybody there any taller than you?
Answer. Not as I remember, I didn't. There may have been men there, though, taller than me, for all I know.
Question. I understand you to say if that woman was whipped there you didn't see it?
Answer. I saw two men have her there, out at the gate, by the hand, but whether they whipped her or not I could not tell. I didn't see anybody strike her at all.
Question. This man Whistnant; do you know what are his politics?
Answer. No, sir; I don't.
Question. Don't you know the fact that he belongs to the Empire?
Answer. I saw him at one meeting.
Question. You say that yellow boy was whipped for running after white women?
Answer. We went to whip him, but didn't find him.

Redirect by counsel for United States, (Mr. PHILLIPS:)

Question. The meeting at which you saw Whistnant, was that before or after the raid?
Answer. After.
Question. Did I understand you to say that you went on this raid against Biggerstaff because you were obliged to?
Answer. That was the orders I got.
Question. Were you obliged to go?
Answer. Well, I don't know as I was particularly bound to go; though Marion Horde, whose Den I belonged to, said if the men didn't go they would fine them a dollar, and if they had a horse and didn't let the horse go they would fine him a dollar, and if he didn't pay the dollar they would brace him. I heard him say that myself.

TESTIMONY OF MARTIN PEARSON, (colored.)

Interrogatories by counsel for United States:
Question. What is your name?
Answer. Martin Pearson.
Question. Where do you live?
Answer. Live in Rutherford.
Question. Did the Ku-Klux ever visit you?
Answer. Yes, sir.
Question. What did they say to you?
Answer. They came down to my house one night, sir, and taken me out. First and foremost they struck me and jerked me about, and struck me in the house with sticks. They struck me out, and told me to get down on my knees; that they was going to whip me; I had always been a pretty big man, raised half free, and I wouldn't get down on my knees to nobody. They scuffled with me to get me down on my knees, and some of them struck me, and I raised a yell, and then some of them broke off. They struck me four or five licks; I don't know exactly now how many. They threw down

the light, and some of them ran off, and one them had hold of me; I threw him loose, and I went off.

Question. What did they say about voting?

Answer. Burrell Bias was the man I lived with. I had been raised half free, and voted against him; they said if I voted against him any more they would come and see me.

Question. What was Burrell Bias?

Answer. He was a democrat, sir.

Question. You say that they said to you that you must not vote against Burrell Bias any more?

Answer. Yes, sir.

Cross-examination by Mr. STRONG:

Question. Did they not tell you that they had come over because you had threatened you would kill the Ku-Klux, if they would come there?

Answer. Yes, sir; they said that, too.

Question. How do you know he voted the democratic ticket?

Answer. I saw him vote it; I saw the ticket, but I couldn't read it.

Question. Did he ever tell you he voted for any other person?

Answer. He always told me that he voted the democratic ticket.

Question. When was that you were whipped?

Answer. The first raid that was made on me, sir, was on the fourth Saturday night in February.

Question. The one you are speaking of, sir?

Answer. Yes, sir.

TESTIMONY OF JOHN CARSON.

Interrogatories by counsel for United States:

Question. Where do you live, sir?

Answer. I live in Henderson County, sir.

Question. Are you acquainted with the general reputation of Aaron Biggerstaff for veracity in his neighborhood, sir?

Answer. I think I am, sir.

Question. What is it sir.

Answer. It is good; I never heard it disputed.

Cross-examination by Mr. STRONG:

Question. You say you live in Henderson County?

Answer. Yes, sir, I do.

Question. How far do you live from Aaron Biggerstaff?

Answer. Fifty miles.

Question. How long have you lived that distance from him?

Answer. It is some sixteen years since I moved away, sir.

TESTIMONY OF AARON V. BIGGERSTAFF.

Interrogatories by counsel for United States, (PHILLIPS.)

Question. Mr. Biggerstaff, who did you vote for in Congress in 1870?

Answer. A. H. Jones.

Question. Was he a republican candidate?

(Answer missing.)

Question. Are you an active man in politics?

Answer. Well, I beat along the best I can.

Cross-examination by Mr. STRONG:

Question. When did you vote for Mr. Jones for Congress?

Answer. In 1870.

Question. He was badly beaten, wasn't he; some three or four thousand votes?

Answer. Yes, sir.

TESTIMONY OF ELIAS WHISTNANT.

Interrogatories by counsel for United States:

Question. Where do you live?

Answer. I live in Rutherford County.

Question. Do you know Aaron Biggerstaff?

Answer. Yes, sir.

Question. Do you know his general reputation for veracity in the neighborhood where he lives?

Answer. I don't exactly know: he lived very near to me some time ago.
Question. How long has that been?
Answer. Twelve or fourteen years ago, I suppose.
Question. Have you known him since then?
Answer. I never heard anything to the contrary of his good character.

Cross-examination by counsel for defense, (STRONG:)

Question. I understand you to say, that fourteen years ago you lived near him.
Answer. Some twelve or fourteen.
Question. How near did you live to him twelve or fourteen years ago.
Answer. Within about a mile and a half to him.
Question. His character was then good?
Answer. It was, sir.
Question. How far do you live from him now, sir.
Answer. Nine or ten miles.
Question. Can you say that you are very well acquainted with him now?
Answer. Well, I can't say that I am so intimately acquainted in that section.
Question. Can you say to the jury now that you are acquainted with his general reputation in that settlement—that is, what people say about him now?
Answer. No, sir; not particularly in that settlement, I can't say that I do, from the fact that I am not in that neighborhood.
Question. What are your politics, sir?
Answer. Republican.

TESTIMONY OF JESSE WELLS.

Interrogatories by counsel for United States:

Question. Where do you live, Mr. Wells?
Answer. I live in Rutherford County,
Question. Do you know Aaron Biggerstaff?
Answer. Yes, sir.
Question. How near did you live to him?
Answer. I lived near a mile and a half.
Question. Do you know his general reputation for veracity in his neighborhood?
Answer. Yes, sir.
Question. What is it?
Answer. It is good.
Question. How long have you known him?
Answer. These fifty years; as far as I know him, it is good.

Cross-examination:

Interrogatories by counsel for defense, (STRONG:)

Question. Do you say that you know what people generally say about him?
Answer. To be sure I do.
Question. And you say that his character is good?
Answer. Yes, sir.
Question. What is it good for?
(Answer missing.)
Question. But the question is for veracity—for truth?
Answer. It is, as far as I know.
Question. Did you say he has a general reputation of being a good citizen?
Answer. I do, sir; I never heard anything to the contrary until this fuss broke out.
Question. Did he have the reputation of being a very unneighborly man?
Answer. Not with me.
Question. You never heard it in the neighborhood?
Answer. It was good, whatever I heard of him, in the neighborhood.
Question. I understand you to say, then, sir, that you never heard anything said against his character for veracity?
Answer. Not until this fuss broke out.
Question. When did you hear anything said about it?
Answer. There has been a great deal said since the McGaha fuss by that party.
Question. I ask you have you not heard a good many people, since this McGaha raid, speak against his veracity?
Answer. Not particular, that I have heard of?
Question. Haven't you generally?
Answer. No, sir. Since the McGaha raid I have heard that party speak against him.
Question. Since the McGaha raid haven't you heard all persons say that he swore falsely about the McGaha raid?
Answer. No, sir.

Question. Haven't you ever heard this fact spoken of: that he was along at the shooting in the Depriest case?

Answer. No, sir.

Question. Did you never hear that he was accused of shooting into his brother's house and convicted for it?

Answer. No, sir; he never was convicted for it; he was convicted for being with the crowd.

Question. What are your politics, sir?

Answer. My politics is republican, sir.

Question. I will ask you, Mr. Wells, whether or not, on a certain occasion, Mr. Biggerstaff being accused of having stolen some goods belonging to your father-in-law, (you are a married man,) didn't you go with Mr. Scroggins, or did he ask you to go with him, and didn't you search his house?

Answer. No, sir; I never did.

TESTIMONY OF WILLIAM SCROGGINS.

Interrogatories by counsel for United States, (PHILLIPS:)

Question. Do you reside in Rutherford?

Answer. Yes, sir.

Question. How near Aaron Biggerstaff?

Answer. About three and a half miles, I suppose.

Question. Do you know the general character, in his neighborhood, of Aaron Biggerstaff for veracity?

Answer. I think I do, sir.

Question. What is it?

Answer. It is good.

Question. Do you know anything about that search?

Answer. It is the first time I ever heard it spoken of, sir.

Question. Did you search a negro's house, or anything of the sort there, sir?

Answer. Not there, sir. I searched a negro's house three or four miles from there, sir.

Question. For what?

Answer. For some goods stolen from my sister.

Question. Did Mr. Aaron Biggerstaff have anything to do with it?

Answer. I never heard it till to-night, sir.

Cross-examined for defense by Mr. STRONG:

Question. Did Wells go with you?

Answer. No, sir.

Question. Did you ask him to go?

Answer. No, sir.

Question. Did you say anything to him about it?

Answer. I don't recollect.

Question. You say you are acquainted with his general character?

Answer. Yes, sir; I have heard it spoken of since the raid.

Question. Who spoke of it?

Answer. Well, sir, the parties who were in the raid have given it a little indifferent.

Question. Have you heard others say this besides those who are accused?

Answer. I only heard that party do it, sir.

Question. Is that his reputation now?

Answer. It is with the Ku-Klux party.

Question. It is not the general reputation of the white men of the neighborhood?

Answer. No, sir.

Question. Don't the majority of the white men of that man's neighborhood give him a bad character for truth?

Answer. There is of that party generally; the Ku-Klux party, I mean.

Question. I understand you to say, sir, then, that the majority of this Ku-Klux party there in the neighborhood do give him a bad character?

Answer. Yes, sir.

Question. I asked you just now if the majority of the white men in that neighborhood gave him a bad character, and you said no.

Answer. Well, sir, there was two parties there; the Ku-Klux party, the men who have generally been raiding since that time, has given him a bad character. The other party has not. The majority of the men in that neighborhood are Ku-Klux.

Question. Did I not ask you just now whether the majority of the white men in that neighborhood didn't give him a bad name. Since the McGaha raid, is not his general character and reputation in the neighborhood bad for truth?

Answer. It is with the Ku-Klux party.

Question. Well, ain't they a majority?
Answer. I don't know, sir; I believe the majority is Ku-Klux.
Question. Do you know—is there any democrat in the neghborhood with whom his character for truth is good?
Answer. Yes, sir.
Question. Who?
Answer. I heard Mr. Anderson Bridges, a neighbor of his, talking about him with me just before I left home.
Question. Are you a deputy marshal, sir.
Answer. No, sir.
Question. Are you a special deputy?
Answer. Yes, sir.
Question. Haven't you been very busy in this connection?
Answer. I have done right smart of work, sir.
Question. What are your politics?
Answer. I am a republican.

TESTIMONY OF E. D. HAWKINS.

Interrogatories by counsel for United States, (PHILLIPS:)

Question. How near Biggerstaff do you live?
Answer. About eight miles.
Question. Do you know what his general reputation in the neighborhood for veracity is?
Answer. I think I do.
Question. What is it?
Answer. I think it is good, sir—up until this fuss broke out about the Ku-Klux.

Cross-examined by counsel for defendants, (STRONG:)

Question. I understand you to say that his character was good till this fuss broke out. How is it now, sir.
Answer. There is two parties, as I look at it now. The Ku-Klux party speaks of it as not being so good; the radical, or Union, speaks of it as being good. I never heard a member of any party speak of his reputation being bad for truth.
Question. You say you live eight miles off?
Answer. About eight miles, sir.
Question. Do you go into that neighborhood often?
Answer. I pass through that neighborhood a good many times. Sometimes I go to preaching once a month in that neighborhood.
Question. Do you think that you can undertake to say to the jury, sir, upon reflection, that you know his general reputation in that neighborhood, and you live eight miles off?
Answer. Well, I say I think it is good. I have never heard anything else.
Question. Do you know his general reputation in the neighborhood where he lives?
Answer. I don't suppose I do as well as many that live right at him.
Question. Can you undertake to say that you know it? Knowing implies knowledge.
Answer. I have known the man ever since 1845 or 1846. I have heard men speak of him from that time up to the present. There is only one party that, since this Ku-Klux business has broke out, that has ever said anything about him, and that is the Ku-Klux party itself.
Question. What do people say about his veracity?
Answer. I never heard anything against it.
Question. What are your politics?
Answer. A radical, or Union man, whatever you may choose to call it, and always expect to be that way.

TESTIMONY OF JAMES ROBBINS.

Interrogatories by counsel for the Government, (Mr. PHILLIPS:)

Question. How near Aaron Biggerstaff do you live?
Answer. I live about five miles from him.
Question. Do you know his general character for veracity in the neighborhood?
Answer. I think I ought to.
Question. Well, do you?
Answer. I have known him a life-time.
Question. Do you know his general character for veracity in the neighborhood?
Answer. I think I do.
Question. What is it?
Answer. It is good.

Cross-examined by counsel for defense, (STRONG:)

Question. Do you belong to the same politics he does?
Answer. I claim to be a Union man.
Question. You say you live five miles off?
Answer. About five miles, sir.

Testimony closed.

HEADQUARTERS UNITED STATES TROOPS,
Shelby, North Carolina, December 31, 1871.

SIR: I have the honor to submit for the information of the commanding officer of the post of Raleigh the following report of the condition of affairs in this country since the raids made by the so-called "Ku Klux" organization were most frequent, when the functions of the civil law were nearly, if not quite, suspended, either through necessity, or by the culpable negligence of those whose duty it was to enforce such law. I doubt very much if the attitude of the people toward the United States authorities, both civil and military, has been so openly, bitterly defiant as at the present time. The momentary shock caused here by the suspension of the writ of *habeas corpus* in certain portions of South Carolina has long since given place to a feeling of security, and the only persons who have quitted their homes since the proclamation referred to, were those who fled at the approach of the troops now stationed here. Immediately on my arrival I could not but mark the great change in the temper of the people since last summer, when I was stationed here, and this feeling against the United States authorities has been growing stronger and stronger since that time, and received its only lacking element—confidence—when the Ku-Klux prisoners returned from Raleigh a few weeks ago, without a trial, and the leaders (at least so reported) openly declared that "the thing was all over, and nobody was going to be prosecuted any more for this business," the effect of which was to seal the lips of those willing to confess their and others' connection with the organization, and to deter any from so doing. This statement was widely circulated through the country, and its influence at once seen and felt.

Nor do the leaders seem to rely entirely upon this statement, but have labored in many ways to prevent confession and to hinder the obtaining of testimony until it is extremely difficult to get either one or the other.

The Carolina Banner, a newspaper published here, is edited in part by a brother of Plato Durham, and has striven incessantly to that end as well as to place the community in antagonism with the United States authorities, even at times advocating open, armed resistance, and has throughout pursued a course strongly in contrast with that of the Vindicator, a paper of the same political persuasion published at Rutherfordton.

On Christmas day I was informed there was to be a parade of mounted men in disguise through the streets, and was told such an affair was customary. During the morning a large crowd of blacks and whites collected, the greater portion of whom were drunk and many quarrelsome. Very many of both classes were armed. I was told by citizens that during these rides outrages upon persons and property were frequently committed, and my judgment was that a slight provocation would bring about a riot. One or two of the most prominent citizens asked me to interfere, and, as I saw no probability of the civil authorities acting, even if able to do so, I took the responsibility of ordering the procession, which was even then forming, to disperse. It did so very promptly, but for upwards of two hours after a riot was imminent, and I disposed my command for such an emergency. Pistols were drawn by persons implicated in the Ku-Klux organization, and threats of all kinds freely made; but gradually the civil authorities obtained the control, a special police appointed, and the crowd dispersed.

I *thought* then, and am *confident* now, that the proposed masquerade, though ostensibly peaceable, was clearly intended as a violation of section 2 of the act of Congress approved April 28, 1871, by showing the people that parties could still "go in disguise upon the public highway," and that its real purpose was *intimidation*, and I was confirmed that day in my opinion by hearing one of the would-be riders say, defiantly, "Captain Plato Durham told us to ride and we should not be hurt." The next morning some half a dozen boys, led by one Gaffney Logan, (himself a Ku-Klux,) a brother of the sheriff, who ran away, rode quietly through the streets, masked. I took no steps to prevent this, because the town was quiet, and I had sent for the United States commissioner, who was absent the day before, and placed the matter in his hands.

Several cases have been reported within a few days where negroes who made complaints of outrages, and testified against parties, have been threatened, directly or indirectly, for so doing. These cases I shall bring, to-morrow, before the commissioner.

I might multiply reasons for my belief that the people of this county are defiant to

the United States authorities, but these will serve to show the temper of the community.

Nor am I alone in this belief. One of the most prominent citizens of this town told me, a day or two since, that he regarded the county as being in nearly as bad a condition as it has been at any time since the war; and the commissioner, Mr. Aydlotte, has twice written to Hon. Mr. Pool, United States Senator, upon the subject, in at least one of which letters he declared that he saw but one way of solving the question, and that was by national law.

Very respectfully, your obedient servant,

ALBION HOWE,
First Lieutenant, Fourth Artillery, Commanding.

Lieutenant W. F. STEWART,
Post Adjutant, Raleigh, North Carolina.

Official copy:

J. H. TAYLOR,
Assistant Adjutant General.

HEADQUARTERS POST OF RALEIGH, NORTH CAROLINA,
Raleigh, January 4, 1872.

SIR: I have the honor to inclose herewith, for the information of the department commander, a report made by Lieutenant A. Howe, Fourth Artillery, commanding detachment at Shelby, Cleveland County, North Carolina, relative to affairs in that neighborhood, and particularly to circumstances which occurred on Christmas day at Shelby.

Without adopting, unreservedly, the opinions and judgment of Lieutenant Howe, I approve of his course in preventing the parade of disguised men under the circumstances as narrated by him. Bands of mounted men have not paraded in disguise in that section of the country, to my knowledge, unless bent upon crime of some sort. In my opinion an officer stationed in the neighborhood where Ku-Klux outrages have been frequent has a right to infer that the assembly and parade of disguised men is for the purpose of committing some felony or act of violence specified in the act of April 20, 1871. Perhaps Lieutenant Howe would have conformed more closely to the spirit of the instruction in General Orders No. 52, Department of the South, series 1871, if he had followed these disguised men from point to point, with a view to prevent any act of violence. He has a detachment of cavalry, ten in number, sufficient for the purpose.

The attempt to make such a parade was a menace to the troops, if the circumstances are accurately narrated by Lieutenant Howe. Captain Rodney will pass through Shelby *en route* to Rutherfordton, (complying with Special Order No. 267, paragraph 1, December 27, 1871, Headquarters Department of the South,) and I shall instruct him to investigate the matter.

I am, sir, very respectfully, your obedient servant,

C. H. MORGAN,
Major, Fourth Artillery, Commanding.

ADJUTANT GENERAL,
Headquarters Department of the South.

Official copy:

J. H. TAYLOR,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Louisville, Kentucky, January 10, 1872.

Respectfully forwarded for the information of the Adjutant General United States Army, through Headquarters Military Division of the South.

ALFRED H. TERRY,
Brigadier General, United States Army, Commanding.

HEADQUARTERS MILITARY DIVISION OF THE SOUTH,
Louisville, Kentucky, January 16, 1872.

Respectfully forwarded to the Adjutant General of the Army.

ROBERT A. SCOTT,
Captain, Third Artillery, in charge of the office.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, January 23, 1872.

Official copies respectfully furnished for the information of the congressional Committee for the Investigation of Alleged Outrages in the Southern States.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant General.

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